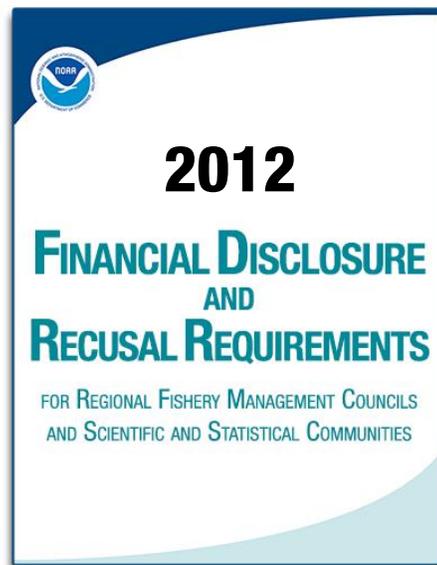


# 2012

## REPORTS TO CONGRESS



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2012 REPORT TO CONGRESS

ON APPORTIONMENT OF MEMBERSHIP

ON THE

REGIONAL FISHERY MANAGEMENT COUNCILS

PURSUANT TO SECTION 302(b)(2)(B) OF THE  
MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

PREPARED BY  
U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

2013





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## **A. BACKGROUND**

Section 302(b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Secretary of Commerce (Secretary) to report annually to Congress on the achievement, to the extent practicable, of a “fair and balanced apportionment, on a rotating or other basis, of the active participants (or their representatives) in the commercial and recreational fisheries under the jurisdiction of [each Regional Fishery Management] Council [Council].”

There are 114 voting members on the eight Councils. The voting members of each Council include the principal state official (or the official’s designee) with marine fishery management responsibility and expertise in each constituent state, who is appointed by the governor; the regional administrator of the National Marine Fisheries Service (NMFS) for the geographic area concerned (or the regional administrator’s designee); and members required to be appointed by the Secretary in accordance with Sections 302(b)(2) and (5) of the Magnuson-Stevens Act. In addition, non-voting members represent the United States Coast Guard, U.S. Fish and Wildlife Service, U.S. Department of State, and the Marine Fisheries Commissions.

This report is the 21st in a series related to the status of voting members appointed to the Councils by the Secretary. In addition to assessing the annual apportionment of Council membership, this report discusses significant fishery management issues and related actions for 2013.

## **B. FAIR AND BALANCED COUNCIL MEMBERSHIP**

The consideration of balance and fairness between commercial and recreational fishing sectors is an important element in the Secretary’s appointments. Equally important is the stewardship responsibilities of Councils and the appointment of individuals who can work collectively with other members to achieve the conservation standards under the Magnuson-Stevens Act. Successful nominees, therefore, are those who are qualified in accordance with the provisions at 50 CFR 600.215 and who will best contribute to the stewardship of marine fishery resources.<sup>1</sup>

Generally, the most qualified nominees are those whose records indicate they:

1. Have achieved a level of leadership in promoting stewardship of the marine fishery resources under the jurisdiction of the Councils to which they would be appointed; and
2. Participate in, or represent commercial fishermen participating in, one or more commercial fisheries under the Councils’ jurisdictions; or

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<sup>1</sup> The qualifications for appointment are derived from Section 302(b)(2)(A) of the Magnuson-Stevens Act and are also included in regulations contained at 50 CFR 600.215.

3. Participate in, or represent recreational fishermen participating in, one or more recreational fisheries under the Councils' jurisdictions; or
4. Are otherwise experienced and/or knowledgeable in leadership of organizations whose members participate in a fishery or in management and conservation of natural resources, or are representatives of consumers, teachers, journalists, writers, consultants, lawyers, or marine fishery researchers.

### Standard for Apportionment

Before evaluating each Council with respect to fairness and balance, the Secretary must first have a standard for such judgments. The amendments to the Magnuson-Stevens Act and legislative history do not provide specific guidance for judging whether the Secretary's appointments meet the statutory standard. NMFS has addressed the requirement by reasoning that, in the ideal case, voting members should be individuals with prescribed qualifications related to commercial or to recreational fishing within the Council's area of jurisdiction, or individuals with qualifications in one of the "other" related fishing interest categories, who are personally committed to meeting the Council's trusteeship responsibilities for living marine resources. This continues to be the yardstick for judging whether an individual member of a Council will strive toward the conservation and management of fisheries resources.

Over time, fishery management issues have become increasingly complex. Therefore, Council members who possess the necessary background and abilities to address complex issues are critical to the ultimate success of the Councils. A significant consideration in appointing members is their specific knowledge of the conservation and management issues and fisheries in which each Council is expected to be involved. Also important is the level of nominees' participation in the fishery management process, and the support for the nominees from the fishing sector communities and other individuals, largely through endorsement letters to the Secretary.

For the purposes of this Report, three general fishing interest sectors are discussed: the commercial fishing sector, the recreational fishing sector, and an "other" sector. The "other" sector is made up of appointed members with knowledge of and experience in biological, economic, or social sciences; environmental or ecological matters; consumer affairs; and associated fields.

Nominees may be categorized as participating in more than one of the three general fishing interest sectors. In these cases, NMFS' determination about a nominee's primary interest sector is the result of NMFS' interpretation of: (1) supporting background information provided by the nominating governor; (2) background information provided by the nominee, reflecting the nominee's demonstrated principal participation; and (3) other supplemental information provided.

## **C. APPORTIONMENT OF COUNCIL MEMBERSHIP**

Council members are appointed from among qualified individuals nominated by the governors of the Councils' states in each Council's region and, in the case of tribal representation on the Pacific Fishery Management Council (PFMC), from among Indian representatives nominated by the appropriate tribal governments. Appointed members serve 3-year terms and can be reappointed to serve three consecutive terms. A major factor in meeting the requirement to balance membership is the role of the governors in nominating qualified individuals who are knowledgeable regarding conservation and management or the commercial or recreational harvest of fishery resources. The process works best when governors provide the Secretary with a variety of highly qualified nominees who meet the requirements of the Magnuson-Stevens Act.

For governor-nominated seats, the Secretary will select an appointee for an obligatory seat (state-specific) from the list of qualified nominees submitted by the governor of that state. In filling expiring at-large seats (regional), the Secretary will select an appointee from the list of all qualified candidates submitted by regional state governors.

In 2012, the Secretary announced the appointment or reappointment of 32 voting obligatory and at-large Council members: 30 appointments were made as part of the annual process and two appointments were made as a result of out-of-cycle vacancies on the Councils. Table 1 shows the current totals in the distribution of Secretary-appointed Council voting members by interest sector for 2010, 2011, and 2012. In June 2012, 12 members were appointed from the commercial fishing sector, 10 members were appointed from the recreational fishing sector, and eight members were appointed from the "other" sector.

Because of the limited number of Council seats, not all sectors and localities can be represented on each Council. In addition, the Secretary's appointments are constrained by the nominations submitted by the governors. Within these parameters, the Secretary aims to select appointees who possess the breadth of knowledge and experience to collectively provide a balance on each Council, and who pursue their Council roles as stewards and trustees of living resources. To the extent practicable, the appointments also seek to rotate membership, thereby distributing participation among all sectors of the fisheries-specific actions. The distribution of representation on each Council are also adjusted, where possible, to achieve a balance of interest sectors or to provide needed experience to address changing priorities.

Where sector or gear components are not represented on a Council, membership on the various Council advisory panels and committees is also crucial to providing those sectors with representation during Council deliberations, as well as with a voice on specific issues of interest.

### Women and Minority Representation

Eight women currently serve on the Councils. NMFS continues to encourage governors to nominate qualified female and minority candidates.

## D. COUNCIL MEMBERSHIP VACANCIES DURING 2012

Table 2 lists the 19 Council members whose terms will expire on August 10, 2013. Table 3 sorts the 19 Council members into the three general fishing sector categories.

The Magnuson-Stevens Act prohibits the reappointment of Council members to a fourth consecutive term. As a result, two of the 19 members whose terms expire in 2013 will be ineligible to be renominated at this time.

**TABLE 1: APPOINTED COUNCIL MEMBERS SORTED NUMERICALLY BY FISHING SECTOR INTERESTS (2010-2012)**

	Year	Commercial	Recreational	“Other”	Total
NEFMC	2010	7	3	2	12
	2011	8	3	1	12
	2012	7	3	2	12
MAFMC	2010	4	4	5	13
	2011	4	3	5	12
	2012	4	5	4	13
SAFMC	2010	3	4	1	8
	2011	3	4	1	8
	2012	3	4	1	8
GMFMC	2010	4	5	2	11
	2011	4	4	3 <sup>2</sup>	11
	2012	4	4	3	11
CFMC	2010	2	1	1	4
	2011	2	1	1	4
	2012	2	1 <sup>3</sup>	1	4
PFMC	2010	3	4	2	9
	2011	2	3	4	9
	2012	2	3	4	9
NPFMC	2010	6	1	0	7
	2011	5	1	1 <sup>4</sup>	7
	2012	5	1	1	7
WPFMC	2010	2	3	3	8
	2011	2	3	3	8
	2012	2	2	3	7 <sup>5</sup>
ALL Councils	2010	31	25	16	72
	2011	31	22	19	71
	2012	29	23	19	71

<sup>2</sup> Sector changes occurred for Robert Shipp from the recreational sector to the “other” sector

<sup>3</sup> Sector changes occurred for Carlos Farchette from the “other” sector to the recreational sector.

<sup>4</sup> Sector changes occurred for John Henderschedt from the commercial sector to the “other” sector.

<sup>5</sup> American Samoa obligatory seat remains vacant.

**TABLE 2: COUNCIL MEMBERS' TERMS EXPIRING AUGUST 10, 2013, GROUPED BY OBLIGATORY OR AT-LARGE APPOINTMENT**

OBLIGATORY MEMBERS	APPT. DATE	CONSEC. TERMS SERVED		AT-LARGE MEMBERS	APPT. DATE	CONSEC. TERMS SERVED
<u>New England</u> NH: D. Goethel/C	2004	*3		C. Cunningham Jr./MA (R) F. Blount Jr./RI (R)	2004 2007	*3 2
<u>Mid-Atlantic</u> DE: L. Anderson/O	2007	2		R. Robins Jr./VA (C) E. Berg/NJ (C) S. Linhard/MD (R)	2007 2007 2010	2 2 1
<u>South Atlantic</u> NC: T. Burgess/C SC: T. Swatzel III/R	2010 2007	1 2		There are no at-large vacancies on the South Atlantic Council in 2013.		
<u>Gulf of Mexico</u> TX: D. Boyd/R MS: H. K. Williams/C	2010 2007	1 2		L. Abele/FL (O)	2010	1
<u>Caribbean</u> There are no obligatory vacancies on the Caribbean Council in 2013.				W. Ledee/USVI (C)	2007	2
<u>Pacific</u> ID: H. Pollard/R	2010	1		D. Wolford/CA (R)	2007	2
<u>North Pacific</u> AK: D. Fields/C AK: S. Cotten/C	2007 2007	2 2		There are no at-large vacancies on the North Pacific Council in 2013.		
<u>Western Pacific</u> There are no obligatory vacancies on the Western Pacific Council in 2013.				J. Leialoha/HI (O) W. Sword/AmS (R)	2010 2007	1 2
9 Obligatory Members				10 At-Large Members		

C = Commercial Sector

R = Recreational Sector

O = Other Sector

\*These members have served three consecutive terms; therefore, they are ineligible by law for reappointment to a fourth consecutive term.

**TABLE 3: COUNCIL MEMBERS' TERMS EXPIRING AUGUST 10, 2013, GROUPED BY GENERAL FISHING SECTOR CATEGORIES**

	COMMERCIAL	RECREATIONAL	OTHER	TOTAL
<u>New England</u>	David T. Goethel	Colin M. Cunningham Jr. Francis W. Blount Jr.		3
<u>Mid-Atlantic</u>	Richard B. Robins Jr. Erling A. Berg	Stephen E. Linhard	Lee G. Anderson	4
<u>South Atlantic</u>	Thomas E. Burgess	Thomas L. Swatzel III		2
<u>Gulf Council</u>	Harolyn K. Williams	Douglass W. Boyd	Lawrence G. Abele	3
<u>Caribbean</u>	Winston J. Ledee			1
<u>Pacific</u>		Herbert A. Pollard, II Danny L. Wolford		2
<u>North Pacific</u>	Duncan S. Fields Samuel R. Cotten			2
<u>Western Pacific</u>			Julie A.K. Leialoha William A. Sword	2
<b>TOTAL</b>	<b>9</b>	<b>TOTAL 6</b>	<b>TOTAL 4</b>	<b>TOTAL 19</b>

## Removal of Members

In accordance with Section 302(b)(6) of the Magnuson-Stevens Act, the removal of a Council member is limited to the following circumstances:

- a) The Secretary may remove for cause any Secretarially appointed Council member only when the Council concerned first recommends removal of the member by not less than two-thirds of the Council voting members, and the Council submits such removal recommendation to the Secretary in writing, together with a statement of the basis for the recommendation; or
- b) After notice and an opportunity for a hearing in accordance with Section 554 of Title 5, United States Code, the member is found by the Secretary to have committed an act prohibited by Section 307(1)(O) of the Magnuson-Stevens Act, which pertains to compliance with financial disclosure requirements.
- c) A Council member's appointment is conditional until such time as the member's background investigation has been favorably adjudicated. The Secretary will revoke the member's appointment if that member receives an unfavorable background investigation.

## **E. SECRETARY'S 2012 APPOINTMENTS/2013 REPORT RECOMMENDATIONS**

As a result of the annual appointments announced on June 25, 2012, 30 members were seated on August 11, 2012. The 30 voting obligatory and at-large Council members' 3-year terms will expire on August 10, 2015. In addition, two appointments were made to out-of-cycle vacancies on the Councils: (1) Mr. Francis D. "Dewey" Hemilright was appointed to replace Mr. Jule D. Wheatley; (2) Mr. Edwin A. Ebisui was appointed to replace Mr. David G. Itano. Mr. Hemilright's and Mr. Ebisui's appointments will both expire on August 10, 2014.

The following sections update Council appointment rosters, specify apportionment totals for Council members, discuss fishery management issues and challenges being addressed by each Council, and make Secretarial recommendations for future nomination and appointment considerations. The latter reflects information included in letters sent to the constituent state governors requesting nominees, consistent with regulations at 50 CFR 600.215. The governors are required to submit their nominees by March 15 of each year.

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**1. New England Fishery Management Council (NEFMC)**

**BACKGROUND SUMMARY:**

Terms expired in 2012 for five NEFMC members. As a result of the 2012 appointments, the composition of fishing sector representatives is seven commercial, three recreational, and two “other,” which reflects a change from eight commercial, three recreational, and one “other.” The current geographical balance regarding the distribution of at-large seats on the NEFMC remains unchanged. The appointees and reappointee are as follows:

**New Member/Fishing Sector**

Matthew G. McKenzie/“other”

Terry A. Alexander/commercial

John F. Quinn/“other”

David “Dave” E. Preble/ recreational

Vincent M. Balzano/commercial

**Outgoing Member/Fishing Sector**

Sally E. McGee/commercial (ineligible, by law, for a fourth consecutive term)

James A. Odlin/other (ineligible, by law, for a fourth consecutive term)

Rodney M. Avila/commercial (ineligible, by law, for a fourth consecutive term)

Reappointment

Glenn A. Libby/commercial

The following table lists the Secretarial appointees currently on the NEFMC:

2012 NEW ENGLAND FISHERY MANAGEMENT COUNCIL (12 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	MCKENZIE, MATTHEW G.	CT	2015	O
O	ALEXANDER, TERRY A.	ME	2015	C
O	QUINN, JOHN F.	MA	2015	O
O	GOETHEL, DAVID T.	NH	2013	C
O	PREBLE, DAVID E.	RI	2015	R
A	NICKELL-TOOLEY, MARY BETH	ME	2014	C
A	BALZANO, VINCENT M.	ME	2015	C
A	CUNNINGHAM, COLIN M. JR.	MA	2013	R
A	RAMSDEN, LAURA F.	MA	2014	C
A	DEMPSEY, THOMAS D.	MA	2014	C
A	KENDALL, PETER T.	NH	2014	C
A	BLOUNT, FRANCIS W. JR.	RI	2013	R

**EXPIRING TERMS:**

The following members’ terms will expire on August 10, 2013:

1. David T. Goethel – commercial fishing sector – New Hampshire’s obligatory seat; by law, Mr. Goethel, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.
2. Colin M. “Rip” Cunningham, Jr. – recreational fishing sector – at-large seat (Massachusetts) ; by law, Mr. Cunningham, who is completing a third consecutive term, is ineligible for renomination to a fourth consecutive term.
3. Francis W. Blount, Jr. – recreational fishing sector – at-large seat (Rhode Island).

### **2013 REPORT RECOMMENDATIONS:**

The stocks within the NEFMC’s geographical area that are managed by the Council are primarily associated with commercial fisheries. Of the nine members whose terms do not expire in 2013, six are from the commercial harvesting sector, one is from the recreational fishing sector, and two are from the “other” sector. Members from the commercial harvesting sector have experience in the groundfish, scallop, herring, and monkfish fisheries, utilizing gillnet, trawl, dredge, purse seine, and longline gear. The recreational fishing sector members are rod-and-reel fishermen and/or involved in charter/party fishing.

The three upcoming vacancies include one outgoing member from the commercial sector and two from the recreational sector. Governors are encouraged to nominate qualified individuals from the recreational and commercial fishing sectors. Also, governors are encouraged to nominate individuals from the “other” sector, including people with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

### **DISCUSSION:**

The NEFMC is responsible for six Fishery Management Plans (FMPs): Northeast (NE) Multispecies, Atlantic Sea Scallop, Atlantic Herring, Deep-Sea Red Crab, Northeast Skates, and Atlantic Salmon. In addition, the NEFMC and Mid-Atlantic Fishery Management Council (MAFMC) are jointly responsible for two FMPs (Spiny Dogfish and Monkfish). The NEFMC has the lead responsibility for the Monkfish FMP and the MAFMC has the lead responsibility for the Spiny Dogfish FMP.

The species managed by the NEFMC are primarily commercial; however, the multispecies fishery has an important recreational component (party/charter and private vessels). The Atlantic salmon fishery is considered recreational, although possession of Atlantic salmon is prohibited in the U.S. Exclusive Economic Zone (EEZ) under the Atlantic Salmon FMP, and there is no commercial or recreational fishery for Atlantic salmon in the EEZ. Management of all of the fisheries must take into consideration effects of the fisheries on habitat, and must consider ways to minimize bycatch. Fishing gear technology and selectivity are areas of great interest – to allow healthy stocks to be harvested at or near their optimum yields while protecting overfished and rebuilding stocks, particularly in the multispecies fishery. Also of concern are measures

protecting marine mammals, threatened and endangered species. In 2012, the Council's management actions included:

- **Northeast (NE) Multispecies**  
The Council completed Amendment 19, which established annual catch limits/accountability measures (ACLs/AMs) for the small-mesh groundfish stocks (whiting and red hake), and Framework 48, which will set specifications for the 2013-2014 fisheries and make revisions to sector management. The Council also continued development of Amendment 18, which will consider accumulation caps in the groundfish fishery.
- **Atlantic Sea Scallops**  
The Council completed Framework 23, which required gear changes to protect sea turtles and made changes to the Northern Gulf of Maine scallop fishery; and Framework 24, which sets specifications and other management measures for the 2013 scallop fishery.
- **Atlantic Herring**  
The Council completed Amendment 5, to address monitoring and bycatch issues in the fishery, and continued development of specifications for the 2013-2015 herring fishery.
- **Monkfish**  
The Council continued development of Amendment 6, which will consider new catch share programs and other management changes for the monkfish fishery.
- **Habitat**  
The Council continued development of an omnibus habitat amendment, which will amend the essential fish habitat (EFH) designations in all of the Council's FMPs and provide additional measures to protect habitat. Phase I, to better define EFH, has been completed, and work on Phase II, to develop management measures to protect EFH, is continuing.
- **Standardized Bycatch Reporting Methodology**  
The Council continued development of an omnibus amendment to implement a standardized bycatch reporting methodology for all managed fisheries.

Council priorities for 2013 include:

- Continue development of Groundfish Amendment 18 to consider fleet diversity and accumulation caps, set specifications for shared U.S./Canada groundfish stocks for 2014, consider trading of quotas of U.S./Canada stocks, and revise rebuilding programs for several groundfish stocks;
- Continue development of Phase II of a two-part omnibus amendment to address issues regarding EFH across all of the Council's FMPs;
- Continue development of Amendment 6 to the Monkfish FMP to consider sectors and/or Individual Transferable Quotas (ITQs) for the monkfish fishery and other management measures, and set specifications for the monkfish fishery for 2014-2016;

- Consider measures to reduce impacts of managed fisheries on Atlantic sturgeon, as necessary;
- Develop a framework action to create catch caps for river herring in the herring fishery, and to implement an industry-funded monitoring program in the herring fishery, complete specifications for the 2013-2015 herring fishery, and an amendment to add river herring and shads as stocks in the fishery in the Herring FMP;
- Complete Scallop Framework 25 to set ACLs and specifications for fishing year 2014, and complete an evaluation of the Limited Access General Category scallop program;
- Initiate an action to consider a limited access program for the whiting fishery;
- Complete an omnibus amendment to implement a standardized bycatch reporting methodology for all managed fisheries, and continue work on an omnibus deep-sea corals amendment;
- Set specifications for the 2014-2016 deep-sea red crab fishery; and
- Develop an omnibus amendment to revise and simplify vessel baseline regulations.

## 2. Mid-Atlantic Fishery Management Council (MAFMC)

### BACKGROUND SUMMARY:

Terms expired in 2012 for four MAFMC members. In addition, one out-of-cycle appointment was made. As a result of the 2012 appointments, the composition of fishing sector representatives was four commercial, five recreational, and four “other,” which represents a change from five commercial, three recreational, and five “other.” The current geographical balance regarding the distribution of at-large seats on the MAFMC remains unchanged. The appointees and reappointees are as follows:

#### New Member/Fishing Sector

Francis D. “Dewey” Hemilright/commercial

Christopher J. Zeman/“other”

Jeffery Deem/recreational

Anthony “Tony” D. Dilermia/recreational

Preston P. Pate, Jr./“other”

#### Outgoing Member/Fishing Sector

Julie D. Wheatly/commercial (out-of-cycle Appointment)

Reappointment

Peter L. deFur/“other”

Steven F. Schafer/commercial

Reappointment

The following table lists the Secretarial appointees currently on the MAFMC:

2012 MID-ATLANTIC FISHERY MANAGEMENT COUNCIL (13 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	ANDERSON, LEE G.	DE	2013	O
O	KING, HOWARD J. III	MD	2014	O
O	HEMILRIGHT, FRANCIS D.	NC	2014	C
O	ZEMAN, CHRISTOPHER J.	NJ	2015	O
O	MCMURRAY, JOHN G.	NY	2014	R
O	ELLIOTT, G. WARREN	PA	2014	R
O	DEEM, JEFFREY	VA	2015	R
A	LINHARD, STEPHEN E.	MD	2013	R
A	PATE, PRESTON P. JR.	NC	2015	O
A	BERG, ERLING A.	NJ	2013	C
A	NOLAN, LAURIE A.	NY	2014	C
A	ANTHONY D. DILERMIA	NY	2015	R
A	ROBINS, RICHARD B. JR.	VA	2013	C

## **EXPIRING TERMS:**

The following members' terms will expire on August 10, 2013:

1. Lee G. Anderson – “other” sector – Delaware’s obligatory seat
2. Stephen E. Linhard – recreational fishing sector – at-large seat (Maryland)
3. Erling A. Berg – commercial fishing sector – at-large seat (New Jersey)
4. Richard B. Robins, Jr. – commercial fishing sector – at-large seat (Virginia)

## **2013 REPORT RECOMMENDATIONS:**

Of the eight members whose terms do not expire in 2013, two are from the commercial sector, four are from the recreational sector, and three are from the “other” sector. The remaining commercial sector members’ experiences include harvesting, processing, and seafood marketing, while the recreational members are all rod-and-reel fishermen.

The four upcoming vacancies include two outgoing members from the commercial sector, one from the recreational sector, and one from the “other” sector. Governors are encouraged to nominate individuals from both the commercial sector and the recreational sector. Also, governors are encouraged to nominate individuals from the “other” sector, including people with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

## **DISCUSSION:**

The MAFMC is exclusively responsible for five existing Fishery Management Plans (FMPs): Summer Flounder, Scup, and Black Sea Bass; Atlantic Mackerel, Squid, and Butterfish; Surfclam and Ocean Quahog; Tilefish; and Atlantic Bluefish. In addition, the MAFMC and the NEFMC are jointly responsible for two other FMPs (Spiny Dogfish and Monkfish). The MAFMC has the lead responsibility for the Spiny Dogfish FMP and the NEFMC has the lead responsibility for the Monkfish FMP.

Some of these fisheries are primarily commercial (e.g., surfclam, ocean quahog, tilefish, spiny dogfish, monkfish, squid, Atlantic mackerel, and butterfish); others have significant recreational components (bluefish, summer flounder, scup, and black sea bass). Management of all fisheries must take into consideration effects of the fisheries on habitat, and must consider ways to minimize bycatch.

In 2012, the Council's management actions included:

- **Summer Flounder/Scup/Black Sea Bass**

The Council developed annual specifications and recreational measures for these fisheries for 2013-2014 (2 years for summer flounder and scup, 1 year for black sea bass). The Council also began development of Amendment 17 to the Summer Flounder/Scup/Black Sea Bass FMP to provide for state-by-state or recreational management options for black sea bass, and Amendment 18 to consider changes to recreational/commercial allocations of scup. The Council also worked on development of possible Special Management Zones (SMZs) for black sea bass.

- **Surfclams/Ocean Quahogs**

The Council continued development of Amendment 15 to the FMP to define excessive shares in the Individual Transferable Quota (ITQ) portion of the fishery, to develop a cost-recovery program for the ITQ fishery, and to update Essential Fish Habitat (EFH). Specifications for 2013 will remain unchanged.

- **Squid/Mackerel/Butterfish**

The Council developed annual specifications for these fisheries for 2013-2015 (2013 only for butterfish, 2013-2015 for mackerel, and 2013-2014 for squids). The Council also completed Amendment 14, which will improve monitoring of the fishery and add measures to reduce bycatch of river herring; and began development of Amendment 15, which will consider adding river herring and shads as stocks in the fishery, and Amendment 16, which will consider deep-sea coral protection measures. The Council also completed Framework 5, which will provide greater flexibility in measuring hold capacity of mackerel vessels; Framework 6, which revised the Council's risk policy criteria; and Framework 7, which will revise measures for the butterfish fishery to accommodate a directed fishery. The Council initiated Framework 8, which will revise the butterfish catch cap in the longfin squid fishery to allow greater inseason flexibility.

- **Spiny Dogfish**

The Council developed the 2012-2015 specifications for this fishery. The Council also continued development of Amendment 3 to update EFH, address state/federal management issues, provide for research set-aside of spiny dogfish, and other issues.

- **Atlantic Bluefish**

The Council developed specifications for the 2013-2015 recreational and commercial Atlantic bluefish fisheries.

- **Tilefish**

The Council developed specifications for the 2013-2014 tilefish fisheries.

- **Standardized Bycatch Reporting Methodology**

The Council continued development of revisions to an omnibus amendment for standardized bycatch reporting methodology.

- **Ecosystem**  
The Council continued work on an ecosystem-based approach to management.
- **Visioning**  
The Council continued development of its visioning project and a strategic plan.

Council priorities for 2013 include:

- Complete specifications for black sea bass (commercial and recreational), summer flounder and scup (recreational), surfclam/ocean quahog, tilefish, butterfish, and other species as necessary, including research set-asides, as warranted;
- Continue development of Amendment 17 to the Summer Flounder/Scup/Black Sea Bass FMP to provide for state-by-state or regional management options for black sea bass;
- Continue development of Amendment 18 to the Summer Flounder/Scup/Black Sea Bass FMP, to consider changes to scup allocations;
- Complete development of an action for possible SMZs for black sea bass off Delaware;
- Complete Framework 8 to the Atlantic Mackerel, Squid, and Butterfish FMP to allow for inseason transfers of butterfish mortality cap in the longfin squid fishery;
- Continue development of Amendment 15 to the Atlantic Mackerel/Squid/Butterfish FMP, which will consider adding river herring and shad as stocks in the fishery;
- Continue development of Amendment 16 to the Atlantic Mackerel, Squid, and Butterfish FMP to consider protective measures for deep-sea corals;
- Continue development of Surfclam/Ocean Quahog Amendment 15, which will define excessive shares, provide a cost recovery system for the fishery, and update EFH;
- Complete Amendment 3 to the Spiny Dogfish FMP, to update EFH, address state/Federal management issues, provide for research set-aside of spiny dogfish, and other issues;
- Complete an omnibus amendment to revise standardized bycatch reporting methodology for all managed fisheries;
- Continue working on ecosystem-based approaches to management;
- Develop an omnibus amendment to revise and simplify vessel baseline regulations; and
- Complete the visioning project and develop a strategic plan for future management of Mid-Atlantic fisheries.

### 3. South Atlantic Fishery Management Council (SAFMC)

#### BACKGROUND SUMMARY:

Terms expired in 2012 for four SAFMC members. As a result of the 2012 appointments, the composition of fishing sector representatives remains unchanged at three commercial, four recreational, and one “other.” The current geographical balance regarding the distribution of at-large seats on the SAFMC remains unchanged. The appointee and reappointee are as follows:

#### New Member/Fishing Sector

Benjamin “Ben” Hartig III/commercial  
Steve A. Amick/recreational

Charles M. Phillips/commercial  
Anna B. Beckwith/recreational

#### Outgoing Member/Fishing Sector

Reappointment  
Charles D. “Duane” Harris/recreational  
(ineligible, by law, for a fourth consecutive term)

Reappointment  
Benjamin M. Currin/recreational (ineligible, by law, for a fourth consecutive term)

The following table lists the Secretarial appointees currently on the SAFMC:

2012 SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL (8 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	HARTIG, BENJAMIN C. III	FL	2015	C
O	AMICK, STEVE A.	GA	2015	R
O	BURGESS, THOMAS E.	NC	2013	C
O	SWATZEL, THOMAS L. III	SC	2013	R
A	JOLLEY, JOHN W.	FL	2014	R
A	PHILLIPS, CHARLES M.	GA	2015	C
A	BECKWITH, ANNA B.	NC	2015	R
A	CUPKA, DAVID M.	SC	2014	O

#### EXPIRING TERMS:

The following members’ terms will expire on August 10, 2013:

1. Thomas E. Burgess – commercial fishing sector – North Carolina’s obligatory seat

2. Thomas L. Swatzel, III – recreational fishing sector – South Carolina’s obligatory seat

### **2013 REPORT RECOMMENDATIONS:**

Of the six members whose terms do not expire in 2013, two are from the commercial sector, three are from the recreational sector, and one is from the “other” sector. The commercial members’ experience includes harvesting, while the recreational members are rod-and-reel fishermen. The governors are encouraged to nominate individuals from both the commercial and recreational sectors so that the Secretary can achieve a balance between these two interest groups. While nominees to help balance the commercial and recreational sectors are important, the governors are also encouraged to nominate individuals from the “other” sector, including people with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

### **DISCUSSION:**

The SAFMC has prepared fishery management plans (FMPs) and amendments for the following fisheries or living marine resources in the South Atlantic exclusive economic zone (EEZ): shrimp (penaeid and rock); coral, coral reef, and live/hard bottom habitats; golden crab; dolphin-wahoo; *Sargassum*; and the snapper-grouper species complex. The SAFMC and the Gulf of Mexico Fishery Management Council have prepared joint FMPs for spiny lobster and coastal migratory pelagic species in the South Atlantic and Gulf of Mexico.

In 2012, the Council’s management actions included:

- **Snapper-Grouper**

Snapper-Grouper Amendment 18A, which limited effort in the black sea bass pot sector of the snapper-grouper fishery; and improve data reporting.

Snapper-Grouper Amendment 18B, which would limit effort in the golden tilefish commercial sector.

Snapper-Grouper Amendment 20A, which redistributes shares from inactive shareholders to active shareholders.

Snapper-Grouper Amendment 22, which would consider a recreational tag program for red snapper, golden tilefish, snowy grouper, and wreckfish.

Snapper-Grouper Amendment 24, which implemented a rebuilding program for red grouper.

Snapper-Grouper Amendment 26, which would address sector allocations and revisions to the acceptable biological catch of snapper-grouper species based on the Other Reliable Catch Statistics methodology.

Snapper-Grouper Amendment 27, which would consider issues related to blue runner, yellowtail snapper, mutton snapper, and Nassau grouper.

Snapper-Grouper Amendment 28, which would consider a process to determine future annual catch limits (ACLs) and fishing seasons for red snapper.

Regulatory Amendment 11, which eliminated the deepwater closure for six snapper-grouper species approved in Amendment 17B.

Regulatory Amendment 12, which adjusted the golden tilefish ACL based on the results of a stock assessment, which indicated the stock was neither overfished, nor undergoing overfishing.

Regulatory Amendment 13, which allows for adjustment of allocations and ACLs based on the new landings information from Marine Recreational Information Program (MRIP).

Regulatory Amendment 14, which would adjust management measures for greater amberjack, vermilion snapper, black sea bass, gray triggerfish, and vermilion snapper.

Regulatory Amendment 15, which considers actions to: Adjust the yellowtail snapper ACL based on results from a recent assessment; change the yellowtail snapper commercial fishing season start date; implement a yellowtail snapper commercial spawning season closure; and remove the provision that prohibits commercial harvest of all shallow water grouper species when the gag quota is met.

Regulatory Amendment 16, which would adjust management measures for golden tilefish.

Regulatory Amendment 17, which would consider marine protected areas to provide additional protection for speckled hind and warsaw grouper.

- **Coastal Migratory Pelagics**

Coastal Migratory Pelagics Amendment 19, which would eliminate bag limit sales for species in the FMP.

Coastal Migratory Pelagics Amendment 20, which would modify boundaries for Gulf migratory group king mackerel and change the opening date for Gulf migratory group king mackerel in the Western Zone.

- **Comprehensive Ecosystem-Based Amendment 3**

CE-BA 3, which would consider actions for: for-hire sector reporting requirements in fisheries for snapper-grouper, dolphin-wahoo, and coastal migratory pelagic; commercial logbook reporting requirements in fisheries for snapper-grouper, dolphin-wahoo, coastal migratory pelagics, and golden crab; bycatch reporting requirements in fisheries for snapper-grouper, dolphin-wahoo, coastal migratory pelagics, and golden crab; and a vessel monitoring requirement for the snapper-grouper fishery.

- **Spiny Lobster**  
Spiny Lobster Amendment 11, which limited spiny lobster fishing in certain areas in the EEZ off Florida to address Endangered Species Act concerns for staghorn and elkhorn corals.
- **Golden Crab**  
Golden Crab Amendment 6, which would consider a limited access privilege program for golden crab.
- **Shrimp**  
Shrimp Amendment 9, which would modify the protocol for states to request concurrent closure of the EEZ during severe weather, and revise the Biomass at Maximum Sustainable Yield ( $B_{MSY}$ ) proxy used in overfished and overfishing definitions for pink shrimp.
- **Dolphin Wahoo**  
Dolphin-Wahoo Amendment 5, which would adjust ACLs for dolphin and wahoo based on new MRIP data, and to adjust the framework process.
- **Coral**  
Coral Amendment 8, which would adjust management measures pertaining to coral habitat areas of particular concern (HAPCs) and transit through the Oculina Bank HAPC.
- **Other Council Actions**  
Administered and actively participated in the Southeast Data Assessment and Review (SEDAR) process for South Atlantic vermilion snapper, red porgy, cobia, and Spanish mackerel.

Continued to support NMFS, by participating in activities of the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee and the Highly Migratory Species (HMS) and Billfish Advisory Panels.

Council priorities for 2013 include:

- Submit Coastal Migratory Pelagics Amendments 19 and 20 to the Secretary;
- Submit Snapper-Grouper Amendments 22, 26, and 27, and 28 to the Secretary;
- Submit Coral Amendment 8 to the Secretary;
- Submit Regulatory Amendments 13, 14, 15, and 17 to the Secretary;
- Submit Dolphin-Wahoo Amendment 5 to the Secretary;
- Submit CE-BA 3 to the Secretary; and
- Participate in the SEDAR process for gray triggerfish, blueline tilefish, snowy grouper, and black sea bass.

#### 4. Gulf of Mexico Fishery Management Council (GMFMC)

##### BACKGROUND SUMMARY:

Terms expired in 2012 for five GMFMC members. As a result of the 2012 appointments, the composition of fishing sector representatives remains unchanged at four commercial, four recreational, and three “other.” The current geographical balance regarding the distribution of at-large seats on the GMFMC remains unchanged. The appointees and reappointees are as follows:

##### New Member/Fishing Sector

John “Johnny” R. Greene, Jr./recreational  
 Juan “John” M. Sanchez/commercial  
 Campo “Camp” E. Matens/recreational  
 Harlon H. Pearce/commercial  
 William S. “Corky” Perret/“other”

##### Outgoing Member/Fishing Sector

Reappointment  
 Robert P. Gill/commercial  
 Damon P. McKnight/recreational  
 Reappointment  
 Thomas D. McIlwain/“other”

The following table lists the Secretarial appointees currently on the GMFMC:

2012 GULF OF MEXICO FISHERY MANAGEMENT COUNCIL (11 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	GREENE, JOHN R. JR.	AL	2015	R
O	SANCHEZ, JUAN M.	FL	2015	C
O	MATENS, CAMPO E.	LA	2015	R
O	WILLIAMS, HAROLYN K.	MS	2013	C
O	BOYD, DOUGLASS W.	TX	2013	R
A	SHIPP, ROBERT L.	AL	2014	O
A	DANA, PAMELA L.	FL	2014	R
A	ABELE, LAWRENCE G.	FL	2013	O
A	PEARCE, HARLON H.	LA	2015	C
A	PERRET, WILLIAM S.	MS	2015	O
A	RILEY, PATRICK F.	TX	2014	C

##### EXPIRING TERMS:

The following members’ terms will expire on August 10, 2013:

1. Harolyn K. “Kay” Williams – commercial fishing sector – Mississippi’s obligatory seat
2. Douglass W. Boyd – recreational fishing sector – Texas’ obligatory seat

3. Lawrence G. Abele – “other” sector – at-large seat (Florida)

### **2013 REPORT RECOMMENDATIONS:**

Of the eight members whose terms do not expire in 2013, three are from the commercial sector, three are from the recreational sector, and two are from the “other” sector. The remaining commercial members’ experience includes harvesting, processing, and seafood marketing, while the recreational members are both private anglers and charter-for-hire fishermen.

The three members whose terms expire in 2013 include one outgoing member from the commercial sector, one from the recreational sector, and one from the “other” sector. The governors are encouraged to nominate individuals from both the commercial and recreational sectors so that the Secretary can achieve a balance between these two interest groups. While nominees from each sector—commercial and recreational—are important, the governors are encouraged to nominate individuals from the “other” sector. This would include individuals with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

### **DISCUSSION:**

The GMFMC has prepared Fishery Management Plans (FMPs) and amendments for the following fisheries or living marine resources in the Gulf of Mexico Exclusive Economic Zone (EEZ): reef fish, shrimp, coral and coral reefs, red drum, and aquaculture. The GMFMC and the SAFMC have prepared joint FMPs for the spiny lobster fishery and Coastal Migratory Pelagics (CMP) species in the Gulf of Mexico and South Atlantic.

In 2012, the GMFMC’s management actions included:

- **Reef Fish**

Reef Fish Amendment 32: The amendment, approved by NMFS on January 24, 2012, slightly increased gag catch levels, adjusted accountability measures (AMs) for gag and red grouper, and established a gag recreational fishing season. The final rule published on February 10, 2012. Subsequently, NMFS published a supplemental rule to address some regulatory inconsistencies that occurred from publishing the Amendment 32 final rule and the Generic annual catch limit (ACL) Amendment final rule. This rule became effective August 30, 2012.

Greater Amberjack AMs and Commercial Quota Closure: NMFS published a rule on March 29, 2012, adjusting the recreational and commercial quotas for greater amberjack. Both sectors exceeded their quotas for 2011; therefore established payback AMs were enacted. In addition, NMFS announced that the commercial sector had met its reduced 2012 quota while fishing during January and February. The commercial sector is closed annually from March through May, thus NMFS announced the commercial sector would not re-open in June.

Reef Fish Amendment 37 and associated interim rule: A rebuilding plan was developed for gray triggerfish in Reef Fish Amendment 30A as a result of a 2006 gray triggerfish stock assessment. A 2011 update to the assessment indicated the stock was not recovering fast enough, and that ACLs and annual catch targets (ACTs) needed to be reduced by approximately 50 percent. The GMFMC requested NMFS implement an interim rule during 2012 to adjust harvesting restrictions until the GMFMC could finalize Reef Fish Amendment 37. NMFS implemented an interim rule to set these lower ACTs and ACLs for 2012. In addition, the interim rule established a recreational in-season AM that would allow a closure of gray triggerfish fishing should the recreational ACT be caught. As a result of the rule, the recreational sector was closed on June 11, 2012, when the ACT was projected to be met, and the commercial sector closed on July 1, when its quota was met. To meet the necessary reductions in ACLs and ACTs, Amendment 37 establishes a fixed closed season for the recreational and commercial sectors. In addition, this amendment would implement a commercial trip limit, a recreational bag limit, and modify the recreational AMs to include in-season closures. The GMFMC took final action on Amendment 37 at its October 2012 meeting. NMFS extended the interim rule for an additional 186 days on November 10, 2012, and expects to publish rulemaking for Amendment 37 in early 2013.

Red Snapper Regulatory Amendment: Based on results of updated landings for red snapper, the GMFMC's SSC recommended quota increases for 2012 and 2013. The GMFMC developed a regulatory amendment to adjust the quotas for both the recreational and commercial sectors, plus remove the October 1 fixed season closure date for the red snapper recreational sector. The GMFMC took final action at the January 2012 meeting, and NMFS published the final rule on May 30, 2012, effective June 29, 2012. The rule increased the recreational and commercial quotas by approximately 200,000 pounds each. Additionally, the rule set the 2012 recreational red snapper season from June 1, 2012, through July 11, 2012. Because of bad weather during June 2012, NMFS later extended the recreational season to July 17, 2012.

Reef Fish Amendment 34: At the January 2012 meeting, the GMFMC took final action on an amendment to address the income requirement for commercial reef fish permit holders and the crew size for dual-permitted (commercial and for-hire) vessels. The amendment eliminated the income requirement for the reef fish permits, and increased the maximum number of crew members to four on dual-permitted vessels, thus improving safety-at-sea issues. NMFS published the final rule on October 19, 2012, effective November 19, 2012.

Reef Fish Amendment 35: At the April 2011 meeting, the GMFMC requested the development of the amendment to address the greater amberjack rebuilding plan that will be in its final year in 2012. The GMFMC took final action on this amendment at its April 2012 meeting. The amendment reduced the allowable harvest, established commercial trip limits, and revised the AMs. NMFS published the final rule on November 13, 2012, effective December 13, 2012.

Reef Fish Amendment 38: At its October 2011 meeting, the GMFMC requested the development of an amendment to consider changing post-season AMs for shallow-water grouper species. Current AMs impose excessive restrictions on harvest of species that are not overfished. In addition, the reef fish framework procedure would be modified to allow future changes to AMs through framework actions. The GMFMC took final action at its August 2012 meeting. NMFS is expected to finalize the regulations in early 2013.

Framework action to revise 2013 shallow-water grouper recreational fishing seasons: Gag is under a rebuilding plan that allows for an increase in the recreational ACL and ACT for 2013. This framework action evaluates different fishing seasons to allow the recreational sector to harvest this increase. In addition, this framework action also modifies and relaxes a fixed two-month recreational shallow-water grouper closure. The GMFMC took final action on this regulatory amendment at its October 2012 meeting. NMFS expects to complete rulemaking in early 2013.

- **Shrimp**

Framework action to certify new bycatch reduction devices (BRDs) and relax the shrimp effort threshold: NMFS has been given the authority by the GMFMC and SAFMC to certify new BRDs for the southeastern shrimp fishery as data become available indicating they can be certified. NMFS published rulemaking, effective May 11, 2012, decertifying one BRD and certifying two new modifications of that BRD. In addition, in accordance with the actions established in the GMFMC's Shrimp Amendment 14, the rulemaking also relaxed an effort reduction threshold for shrimp vessels fishing in the 10-30 fathom depth strata of the western Gulf of Mexico. The threshold was relaxed from a 74 percent reduction in effort to a 67 percent effort reduction compared to the effort documented during 2001 through 2003. This relaxation allows the Gulf shrimp fleet an additional 5,800 fishing days in this mid-shelf region of the western Gulf of Mexico.

- **Spiny Lobster**

Spiny Lobster Amendment 11: At their June 2011 joint meeting, the GMFMC and SAFMC requested a new amendment to address actions not acted upon in Spiny Lobster Amendment 10 because they determined further input by stakeholders was needed. These actions included new closed areas to protect *Acropora* spp. corals, and possible trap line marking for the fishery. The GMFMC took final action at its January-February 2012 meeting and the SAFMC took final action at its March 2012 meeting. NMFS published the final rule July 27, 2012, effective August 27, 2012. The trap line marking action was postponed until further study on its feasibility could be completed.

- **Omnibus**

Dealer Reporting Amendment: This joint amendment with the SAFMC is intended to change the current reporting requirements for those individuals or organizations holding federal seafood dealer permits for species contained in FMPs for the South Atlantic and Gulf of Mexico. The GMFMC and SAFMC took action to approve this amendment in September and October 2012, respectively, and have transmitted the amendment to begin review by the Secretary of Commerce. NMFS expects to conduct rulemaking in early 2013.

- **Other GMFMC Actions**

Active participation in the assessment component of the Southeast Data Assessment and Review (SEDAR) process for Gulf of Mexico gray triggerfish, red snapper, cobia, and Spanish mackerel. Florida Fish and Wildlife Commission (FWC) completed a stock-wide assessment for yellowtail snapper, for Gulf and South Atlantic waters.

Continued to support NMFS by participating in activities of the ICCAT Advisory Committee and the Highly Migratory Species (HMS) and Billfish Advisory Panels.

GMFMC activities planned for 2013 include:

- Continue development of Reef Fish Amendment 28 (snapper and grouper allocations between recreational and commercial sectors).
- Consider an amendment to address separate allocations between private anglers and the for-hire fleet.
- Consider an amendment for trading allocation in the reef fish fishery.
- Finalize the Magnuson-Stevens Act mandated red snapper Individual Fishing Quota (IFQ) 5-year review and initiate development of Reef Fish Amendment 36, which would consider potential modifications to the red snapper IFQ program.
- Develop a regulatory amendment to adjust 2013 red snapper quotas and possibly change recreational bag limits.
- Finalize a regulatory amendment to adjust management of reef fish. It would adjust harvest restrictions and bag limits for vermilion snapper, increase the ACL for Gulf of Mexico yellowtail snapper, and modify the current venting tool requirements for reef fish.
- Initiate development of Reef Fish Amendment 39 to establish regional management for recreational red snapper fishing.
- Initiate development of an amendment to consider establishing regional management of recreational gag fishing.
- Continue development of amendments to require electronic reporting for headboats, charter boats, and commercially permitted vessels.
- Consider establishment of an IFQ for additional reef fish species.
- Consider an action to have a different recreational red snapper season, and adjust AMs to include overage adjustments for the recreational sector.
- Consider actions to allow a rights-based management approach for the for-hire component of the reef fish fishery.
- Adjust ACLs for all data-poor stocks, substituting Marine Recreational Information Program (MRIP) values for Marine Recreational Fisheries Statistical Survey (MRFSS) values where long-term average landings have been used to calculate ACLs.
- Finalize development of CMP Amendment 19 to address bag limits, trip limits, transit authorities and latent permits.
- Finalize development of CMP Amendment 20 to address current fishing zone structure and quotas.

- Consider development of CMP amendments to address allocation across sectors, recreational tournament sales, and adjustments of ACLs for cobia and Spanish mackerel.
- Initiate amendments to the Shrimp FMP to consider alternative electronic logbook reporting activities, and to adjust stock status criteria.
- Consider a generic amendment to develop default status determination criteria for reef fish species that do not already have them.
- Consider the role of artificial substrates as essential fish habitat for one or more managed species.
- Participate in SEDAR benchmark assessments for cobia and Spanish mackerel, and red snapper. Gag and greater amberjack benchmark assessments will also be initiated.

## 5. Caribbean Fishery Management Council (CFMC)

### BACKGROUND SUMMARY:

The term expired in 2012 for two CFMC members. As a result of the 2012 appointments, the composition of fishing sector representatives is now two commercial, no recreational, and two “other,” which reflects a change from two commercial, one recreational, and one “other.” The current geographical balance regarding the distribution of at-large seats on the CFMC remains unchanged. The appointees are as follows:

#### New Member/Fishing Sector

Carlos F. Farchette/recreational (sector change)  
Eugenio (Geño) Piñeiro-Soler/“other”

#### Outgoing Member/Fishing Sector

Reappointment/“other”  
Marcos R. Hanke/recreational (ineligible, by law, for a fourth consecutive term)

The following table lists the Secretarial appointees currently on the CFMC:

2012 CARIBBEAN FISHERY MANAGEMENT COUNCIL (4 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	FARCHETTE, CARLOS F.	VI	2015	R
O	CRESPO, NELSON R.	PR	2014	C
A	PIÑEIRO-SOLER, EUGENIO	PR	2015	O
A	LEDEE, WINSTON J.	VI	2013	C

### EXPIRING TERM:

The following member’s term will expire on August 10, 2013:

1. Winston J. Ledee – commercial – at-large (U.S. Virgin Islands (VI))

### 2013 REPORT RECOMMENDATIONS:

Of the three members whose terms do not expire in 2013, one is from the commercial fishing sector, one is from the recreational sector and one is from the “other” sector. The upcoming vacancy is from the commercial fishing sector. The governors are encouraged to nominate nominees from the commercial fishing sector, as well as nominees from the “other” sector, including people with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

## **DISCUSSION:**

The CFMC has prepared fishery management plans (FMPs) and amendments for the following fisheries or living marine resources in the Caribbean exclusive economic zone (EEZ): spiny lobster, reef fish, coral and reef associated plants and invertebrates, and queen conch.

In 2012, the Council's management actions included:

- **Queen Conch**

Developed the 2010 Caribbean annual catch limit (ACL) Amendment (Amendment 2 to the Queen Conch FMP), which establishes ACLs and accountability measures (AMs) for queen conch, designated as undergoing overfishing. The measure became effective January 30, 2012. The amendment:

1. Specified management reference points and island-specific ACLs;
2. Established EEZ sub-boundaries for purposes of applying AMs;
3. Established AMs to be invoked if ACLs are exceeded; and
4. Developed framework measures to streamline future management actions.

Developed the 2011 Caribbean ACL Amendment (Amendment 3 to the Queen Conch FMP). Measure became effective January 30, 2012. The amendment revised management measures for conch species within the Queen Conch FMP.

Developed a regulatory amendment to the Queen Conch FMP to establish compatible regulations with the VI regarding commercial trip limits and recreational bag limits. At its December 2012 meeting, the Council directed staff to complete this regulatory amendment. The Council will hold public hearings, identify preferred alternatives, and approve the amendment and codified text for submission to the Secretary of Commerce at their March 26-27 meeting. This intensive approach is being taken in order to get this rule in place in time for the November 1, 2013, reopening of the conch harvest season in the USVI.

- **Reef Fish**

Developed the 2010 Caribbean ACL Amendment (Amendment 5 to the Reef Fish FMP), which establishes ACLs and AMs for reef fish designated as undergoing overfishing. The measure became effective January 30, 2012. The amendment:

1. Redefined the composition of select fishery management units (FMUs);
2. Specified management reference points and island-specific ACLs for each FMU undergoing overfishing (snappers, groupers and parrotfish);
3. Established recreational bag limits;
4. Prohibited the harvest of midnight, blue, and rainbow parrotfish;
5. Established EEZ sub-boundaries for purposes of applying AMs;
6. Established AMs to be invoked if ACLs are exceeded; and
7. Developed framework measures for each FMP to streamline future management

changes.

Developed the 2011 Caribbean ACL Amendment (Amendment 6 to the Reef Fish FMP), which establishes ACLs and AMs for reef fish designated as not undergoing overfishing. The measure became effective January 30, 2012. The amendment:

1. Specified management reference points and island-specific ACLs for each FMU;
2. Established recreational bag limits;
3. Established AMs to be invoked if ACLs are exceeded; and
4. Revised management measures for aquarium trade species within the Reef Fish FMP.

Developed a regulatory amendment to the Reef Fish FMP to establish minimum size limits for the recreational and commercial harvest of parrotfish in the EEZ surrounding St. Croix, VI. The Council took final action at the December 2012 meeting, with the goal of having the proposed rule published in March.

1. Establishes a minimum size limit for harvest of redband parrotfish of seven inches fork length; and
2. Establishes a minimum size limit for harvest of all other parrotfish (excluding midnight, blue, and rainbow parrotfish for which harvest is prohibited) of eight inches fork length.

- **Spiny Lobster**

Developed the 2011 Caribbean ACL Amendment (Amendment 5 to the Spiny Lobster FMP). The measure became effective January 30, 2012. The amendment:

1. Revised management reference points and overfished and overfishing status determination criteria;
2. Implemented ACLs and AMs to prevent overfishing;
3. Established recreational bag limits;
4. Established EEZ sub-boundaries for purposes of applying AMs; and
5. Established framework procedures to streamline future management changes.

- **Corals and Reef Associated Plants and Invertebrates (Coral FMP)**

Developed the 2011 Caribbean ACL Amendment (Amendment 3 to the Coral FMP). The measure became effective January 30, 2012. The amendment:

1. Revised management measures for aquarium trade species within the Corals FMP; and
2. Modified framework procedures to streamline future management changes.

Developed Amendment 4 to the Coral FMP to remove all species of seagrasses from federal management. The Council took final action at the December 2012 meeting, with the goal of having the proposed rule publish in March.

- **Other Council Actions**

Initiated the process of converting FMPs from species-based to island-based management in the U.S. Caribbean EEZ.

The Council coordinated and participated in the following workshops and meetings:

- Participated in SEDAR 30 – blue tang and queen triggerfish;
- Finalized the essential fish habitat (EFH) 5-year revision document and contracted for the digitization of old paper maps in preparation for the next EFH 5-year review;
- Participated in Western Central Atlantic Fishery Commission and in the Queen Conch – CITES Workshop in Panama;
- Participated in Marine Spatial Planning workshops (Management Considerations in Marine Reserves);
- Finalized the first mesophotic reef fishery-independent survey for queen conch in the EEZ off the west coast of Puerto Rico, coordinated with NMFS’ Southeast Fisheries Science Center and NMFS’ Southeast Regional Office, as well as with the Southeast Area Monitoring and Assessment Program-Caribbean Program and the Puerto Rico Department of Natural and Environmental Resources (PRDNER). Results were presented to the Council’s Scientific and Statistical Committee;

Council priorities for 2013 include:

- Develop an amendment to the Reef Fish FMP, which would require escape vents in fish traps;
- Develop a regulatory amendment to the Reef Fish FMP, which would establish compatible regulations between the three closed areas off the west coast of Puerto Rico (Bajo de Sico, Tourmaline Bank, and Abrir La Sierra Bank);
- Develop a trap reduction program in federal waters;
- Consider a prohibition on the use of traps in the recreational sector, in order to be compatible with territorial/commonwealth waters;
- Consider development of a federal reef fish commercial harvest permit system;
- Monitor and amend the ACLs as necessary;
- Coordinate and participate in international workshops for queen conch, spawning aggregations, and recreational fisheries;
- Continue development and strengthening of the Education and Outreach program; and
- Continue work on converting FMPs from species-based to island-based management in the U.S. Caribbean EEZ. A draft amendment and EA is being prepared for presentation to the Council to approve for public comment, followed by public hearings.

## 6. Pacific Fishery Management Council (PFMC)

### BACKGROUND SUMMARY:

Terms expired in 2012 for five PFMC members. As a result of the 2012 appointments, there is no change from the previous composition of fishing sector representatives of three commercial, three recreational, two “other,” and one tribal representative, who is counted as a member of the “other” sector. The current geographical balance regarding the distribution of available at-large seats on the PFMC remains unchanged. The appointees are as follows:

<b>New Member/Fishing Sector</b>	<b>Outgoing Member/Fishing Sector</b>
David M. Crabbe/commercial	Reappointment
Dorothy M. Lowman/“other”	Reappointment
David B. Sones/Tribal	Reappointment
William “Buzz” L. Brizendine/recreational	Reappointment
Dale D. Myer/commercial	Reappointment

The following table lists the Secretarial appointees currently on the PFMC:

2012 PACIFIC FISHERY MANAGEMENT COUNCIL (9 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	CRABBE, DAVID M.	CA	2012	C
O	POLLARD, HERBERT A. II	ID	2013	R
O	LOWMAN, DOROTHY M.	OR	2012	O
O	LINCOLN, RICHARD H.	WA	2014	O
O	PFMC TRIBAL SEAT (*T): SONES, DAVID B.	WA	2012	T
A	BRIZENDINE, WILLIAM L. II	CA	2012	R
A	WOLFORD, DANNY L.	CA	2013	R
A	FELDNER, JEFFREY N.	OR	2014	C
A	MYER, DALE D.	WA	2012	C

### EXPIRING TERMS:

The following members’ terms will expire on August 10, 2013:

1. Herbert A. Pollard, II – recreational fishing sector – Idaho’s obligatory seat
2. Danny L. Wolford – recreational fishing sector – at-large seat (California).

### **2013 REPORT RECOMMENDATIONS:**

Of the seven members whose terms do not expire in 2013, three are from the commercial fishing sector, one is from the recreational fishing sector, and three are from the “other” sector. The remaining commercial members’ experience includes harvesting, processing, and seafood marketing, while the recreational member is a charter boat skipper.

The two upcoming vacancies in 2013 include two outgoing members from the recreational sector. The governors are encouraged to provide the Secretary with nominees from the recreational sector with expertise in all fisheries managed by the PFMC. Also, governors are encouraged to nominate nominees from the “other” sector, including people with knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management.

### **DISCUSSION:**

The PFMC has prepared Fishery Management Plans (FMPs) for: Pacific Coast groundfish, Pacific Coast salmon, coastal pelagic species, and West Coast highly migratory species fisheries; and is currently in the process of developing a Pacific Coast fishery ecosystem plan.

The PFMC also has responsibility for recommending allocations of Pacific halibut among treaty Indian and non-Indian commercial and recreational fishers in Area 2A under the Northern Pacific Halibut Act.

In 2012, the Council’s management actions included:

- **Ecosystem Plan**  
Approved a preliminary Fishery Ecosystem Plan (FEP) for public review. Final approval is scheduled for March, 2013.
- **Groundfish**  
Completed final preferred harvest specifications and management measures for the 2013-2014 Pacific Coast groundfish fisheries.

Initiated development of a new, more efficient process for adopting harvest specifications, management measures, and rebuilding plan revisions in the future. Adopted final recommendations for the 2012 Pacific whiting fishery.

Responded to a Court order to reconsider initial catch share allocations in the mothership and shoreside Pacific whiting trawl fisheries, which resulted in a reaffirmation of the Council's original action. Continued to make progress on the implementation of trailing amendments to the trawl catch shares program to enhance the beneficial operation of the program.

Planned new stock assessments for use in the 2015-2016 management process.

Proceeded with Phase I of a review of essential fish habitat.

Proceeded with a review of data on survival rates of groundfish released in the recreational fishery, with the assistance of barotrauma mitigation devices, for potential future use in fishery impact estimates.

- **Salmon**

Adopted ocean salmon seasons for 2012, which included utilization of improved abundance of targeted stocks.

Adopted preliminary alternatives for public review and analysis to amend the salmon FMP (Amendment 18) by incorporating recent data and information on salmon essential fish habitat resulting from the recent salmon essential fish habitat review.

Adopted Amendment 17 to the salmon FMP, which made minor changes to meet current practices, technology, and regulatory protocols.

- **Pacific Halibut**

Adopted final 2012 incidental halibut catch regulations in the commercial salmon fishery.

Adopted proposed changes to the catch sharing plan for 2013.

- **Coastal Pelagic Species**

Recommended that NMFS issue an exempted fishing permit to continue another year of an industry-sponsored Pacific sardine research survey that has contributed important abundance information through aerial survey techniques.

Adopted final 2012-2013 management specifications and measures for the Pacific mackerel fishery, as well as 2013 specifications and measures for the sardine fishery.

- **Highly Migratory Species**

Considered several issues and management possibilities with regard to albacore tuna and West Coast swordfish fisheries, including recommendations for cessation of the Canadian albacore fishery off the U.S. in 2012.

Provided input for international tuna conservation measures to the General Advisory Committee to the U.S. Section of the Inter-American Tropical Tuna Commission and to

the U.S. delegations of the Northern Committee and the Western and Central Pacific Fisheries Commission (WCPFC).

- **National Fisheries Conference and Council Coordinating Committee (CCC) Meetings**

Initiated planning for Managing our Nation's Fisheries 3 (MONF3) national conference scheduled for early May 2013 along with the annual CCC.

Council priorities for 2013 include actions to:

- Initiate a new and improved process for developing and implementing the 2015-2016 and beyond groundfish fisheries specifications and management measures;
- Complete groundfish stock assessments and reviews for use in 2015 and beyond, including an improved method for assessments of data-poor species and consideration of stock complex issues;
- Complete further trailing actions to optimize the limited access catch shares program for the groundfish trawl fishery;
- Complete Phase I and initiate Phase II of the review of groundfish essential fish habitat;
- Establish the 2013 ocean salmon fisheries with opportunities for commercial, recreational, and treaty Indian fisheries while protecting ESA-listed and other depressed salmon stocks;
- Complete Amendment 18 to the salmon FMP regarding incorporation of updated essential fish habitat information;
- Complete final recommendations to the International Pacific Halibut Commission concerning 2014 incidental catch regulations in the commercial salmon fishery and changes to the Pacific Halibut Catch Sharing Plan, including proposed changes to account for Pacific halibut harvest south of Humber Mountain;
- Complete development of a Fishery Ecosystem Plan and initiate work on protecting unmanaged forage fish;
- Establish 2014 Pacific sardine and 2013-2014 Pacific mackerel fisheries;
- Consider further possibilities for implementing a West Coast swordfish fishery;
- Maintain an active presence in highly migratory species regional fishery management organizations which impact Council management recommendations, including input to negotiations on the fishing regime under the U.S.-Canada Albacore Treaty;
- Initiate an essential fish habitat review for highly migratory species; and
- Sponsor and facilitate the MONF3 and CCC meetings.

## 7. North Pacific Fishery Management Council (NPFMC)

### BACKGROUND SUMMARY:

Terms expired in 2012 for three NPFMC obligatory members. As a result of the 2012 appointments, there is no change in the previous composition of fishing sector representatives on the NPFMC of five commercial, one recreational, and one “other.” There are no at-large seats on the NPFMC. The appointees are as follows:

#### New Member/Fishing Sector

Howard D. Hull/commercial  
Robert E. Dersham/recreational  
Craig A. Cross/commercial

#### Outgoing Member/Fishing Sector

Reappointment  
Reappointment  
David W. Benson/commercial (ineligible, by law, for a fourth consecutive term)

The following table lists the Secretarial appointees currently on the NPFMC:

2012 NORTH PACIFIC FISHERY MANAGEMENT COUNCIL (7 Members)				
Obligatory	Appointed Members	State	Appt. Ends	Interest Sector
O	HULL, HOWARD D.	AK	2015	C
O	FIELDS, DUNCAN S.	AK	2013	C
O	COTTEN, SAMUEL R.	AK	2013	C
O	OLSON, ERIC A.	AK	2014	C
O	DERSHAM, ROBERT E.	AK	2015	R
O	CROSS, CRAIG A.	WA	2015	C
O	HENDERSCHIEDT, JOHN J.	WA	2014	O

### EXPIRING TERMS:

The following members’ terms will expire on August 10, 2013:

1. Duncan S. Fields – commercial fishing sector – Alaska obligatory seat.
2. Samuel R. Cotten – commercial fishing sector – Alaska obligatory seat.

### 2013 REPORT RECOMMENDATIONS:

Of the five members whose terms do not expire in 2013, three are from the commercial fishing sector, one is from the recreational fishing sector, and one is from the “other” sector. The commercial sector members have experience in processing and harvesting, and the recreational

member has experience hook and line fishing. The two current members include two members from the commercial sector. Although commercial fisheries are particularly important in this region, the governors are encouraged to continue to nominate persons from the recreational fishing sector and from the “other” sector. “Other” sector nominees should include persons with backgrounds in academics, fisheries management, environmental science, economics, or social science, and who have knowledge and experience in the conservation and management of marine resources and their habitats, and ecosystem approaches to management. Recently, Alaska native tribal entities also have voiced strong support for greater representation on the NPFMC.

## **DISCUSSION:**

The NPFMC has six Fishery Management Plans (FMPs) for: Groundfish of the Gulf of Alaska, Groundfish of the Bering Sea and Aleutian Islands Management Area (BSAI), Salmon Fisheries in the EEZ off the Coast of Alaska, Bering Sea/Aleutian Islands King and Tanner Crab, the Scallop Fishery off Alaska, and Fishery Resources of the Arctic Management Area.

In 2012, the Council’s management actions included:

- **Fishery Management Plans**

The NPFMC recently adopted additional amendments to the groundfish, crab, and scallop FMPs, which have not yet been approved and implemented. All FMPs include provisions to establish ACLs for relevant species. Routine management of the fisheries under the salmon, scallop, and BSAI crab FMPs is deferred to the State of Alaska, while the NPFMC retains oversight of major allocation, overfishing definition, and habitat management issues. In addition, under the Northern Pacific Halibut Act of 1982, the NPFMC has authority over allocation issues affecting the Pacific halibut fishery in and off Alaska, while the International Pacific Halibut Commission (IPHC) retains responsibility for conservation management of this fishery.

- **Rebuilding Plans**

Of all fisheries managed under FMPs, only the Pribilof Island blue king crab is currently under a rebuilding plan. After NMFS determined that this stock was overfished, the NPFMC promptly began the process of developing rebuilding plans for these species, as required by the Magnuson-Stevens Act. A rebuilding plan was approved for Pribilof Island blue king crab in 2004 (FMP Amendment 17). That rebuilding plan remains in effect until 2014. The NPFMC adopted additional rebuilding measures this year to augment those already in place.

- **Salmon Bycatch Efforts**

In 2012, NMFS implemented Chinook salmon bycatch limits in the Gulf of Alaska Pollock fishery adopted by the Council in 2011. The Council continued to examine means to further reduce bycatch of chum salmon in the Bering Sea pollock fishery, and Chinook salmon bycatch in the Gulf of Alaska non-pollock trawl fisheries.

Council priorities for 2013 include:

- Assessing the final biological opinion developed by NMFS in 2011 on the impacts of the groundfish fisheries on endangered Steller sea lions and associated mitigation measures to determine whether adequate protections to these animals could be provided through measures that are less costly to fisheries and coastal communities. This process could result in the analysis of proposed changes to Steller sea lion protection measures and further consultation under section 7 of the ESA on any changes to groundfish fisheries management;
- Assessing the impacts of restructuring of the Observer Program to monitor the groundfish and Pacific halibut fisheries, including the consideration of electronic monitoring to address concerns or practicality of deploying observers on small vessels. The restructured program becomes effective in 2013, and includes a fee-based system that would allow for more flexibility to deploy observers needed to collect quality catch information in the groundfish and Pacific halibut fisheries;
- Assessing options to reduce bycatch of Pacific halibut, crab, salmon, and other species caught incidentally in the groundfish fisheries;
- Refining the various catch share programs developed by the NPFMC and implemented by NMFS; and
- Addressing ongoing domestic allocation issues associated with the Pacific halibut resource in recognition that the overall coast wide harvest strategy for this resource is established by the IPHC.

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## 8. Western Pacific Fishery Management Council (WPFMC)

### BACKGROUND SUMMARY:

Terms expired in 2012 for three WPFMC members. As a result of the 2012 appointments, the composition of fishing sector representatives on the WPFMC is now two commercial, two recreational, and three “other”, which is changed from two commercial, three recreational, and three “other.” This change is due to the vacancy in the American Samoa obligatory seat. It is empty due to a lack of sufficient nominees to allow the Secretary to make an appointment. The current geographical balance regarding the distribution of at-large seats on the WPFMC remains unchanged, with three from Hawaii, one from American Samoa, and none from Guam and the CNMI. The appointees are as follows:

#### New Member/Fishing Sector

Michael P. Duenas/commercial

Michael K. Goto/commercial

Edwin A. Ebisui/“other”

Vacant

#### Outgoing Member/Fishing Sector

Manuel P. Duenas, II/commercial (ineligible, by law, for a fourth consecutive term)

Sean C. Martin/commercial (ineligible, by law, for a fourth consecutive term)

David G. Itano/“other” (out-of-cycle appointment due to resignation of incumbent)

Stephen Haleck/recreational (ineligible, by law, for a fourth consecutive term)

The following table lists the Secretarial appointees currently on the WPFMC:

2012 WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL (8 Members)				
Obligatory/ At-large	Appointed Members	State	Appt. Ends	Interest Sector
O	DUENAS, MICHAEL P.	GU	2015	C
O	VACANT	AS	2015	
O	SEMAN, RICHARD B.	CNMI	2014	O
O	GOTO, MICHAEL K.	HI	2015	C
A	LEIALOHA, JULIE A.K.	HI	2013	O
A	RICE, FREDERICK M.	HI	2014	R
A	EBISUI, EDWIN A.	HI	2014	O
A	SWORD, WILLIAM A.	AS	2013	R

### EXPIRING TERMS:

The following members’ terms will expire on August 10, 2013:

1. Julie A.K. Leialoha – “other” sector – at-large seat (Hawaii)

2. William A. Sword – recreational fishing sector – at-large seat (American Samoa)

### **2013 REPORT RECOMMENDATIONS:**

Of the five appointed members whose terms do not expire in 2013, one is from the recreational fishing sector, two are from the commercial fishing sector, and two are from the “other” sector. The commercial sector members have experience in processing and harvesting, and the recreational member has experience hook and line fishing. The two upcoming vacancies include one from the recreational fishing sector and one from the “other” sector. To achieve sector balance on the WPFMC, the governors are encouraged to nominate representatives from the recreational fishing sector.

### **DISCUSSION:**

The Council has moved towards an ecosystem-based approach and has restructured its management framework from species-based FMPs to place-based Fishery Ecosystem Plans (FEPs). Domestic fisheries in the U.S. Exclusive Economic Zone (EEZ) and operating in the adjacent high seas of the western Pacific (Pacific Islands) are managed under five FEPs: Pacific Pelagic FEP, Hawaii Archipelago FEP, American Samoa Archipelago FEP, Mariana Archipelago FEP, and the Pacific Remote Island Areas FEP. The WPFMC 2012 accomplishments included, but were not limited to, the following management activities:

- Established the 2012 annual catch limits and accountability measures for all insular stocks of management unit species, including bottomfish, reef fish, precious corals, and crustaceans.
- Modified the boundaries of the large fishing vessel prohibited area around Tutuila Island, the Manua Islands, and Rose Atoll to align with the boundaries of the Rose Atoll Marine National Monument and simplify administration and enforcement of the two areas.
- Reduced regulatory discards of swordfish by revising the limits on the number of swordfish that fishermen may possess or land during any given Hawaii-based deep-set longline-fishing trip north of the equator as follows:
  - If an observer is on board, there is no limit.
  - If there is no observer on board, and if only circle hooks are used, the limit is 25.
  - If there is no observer on board, and if any type of hook other than a circle hook is used, the limit is 10.
- Revised the annual sea turtle interaction limit for the Hawaii-based shallow-set longline fishery from 17 North Pacific loggerhead turtles and 16 leatherback turtles to 34 and 26 turtles, respectively. The limits are intended to manage and reduce the impacts of the fishery on sea turtles while allowing increased opportunities for sustainable harvest of swordfish and other fish species.

- Approved a 3-year marine conservation plan for American Samoa that describe projects for using funds under Pacific Insular Area Fishing agreements and from fines and penalties from illegal foreign fishing.

Council priorities for 2013 include:

- Amending the Pacific Pelagic FEP to implement the provisions of Section 113(a) of the Consolidated and Further Continuing Appropriations Act (CFCAA) of 2012, which allows the U.S. Territories to enter into special fishing arrangements with U.S. fishing vessels operating under the Pelagics FEP. CFCAA also authorizes NMFS to attribute catch made by U.S. vessels under the arrangement to the applicable Territory for the purposes of annual reporting to the Western and Central Pacific Fisheries Commission.
- Implementing management measures for non-commercial fishing in the Mariana Trench Marine National Monument, Rose Atoll Marine National Monument and the U.S. Pacific Remote Islands Marine National Monument.
- Developing a permitting system for off-shore aquaculture in the U.S. EEZ around the Pacific Islands.
- Extending the fishing moratorium for gold coral five additional years to develop more accurate maximum sustainable yield (MSY)-based reference points and annual catch limits (ACLs).
- WPFMC also intends to amend four of its FEPs to refine the process specifying ACLs and accountability measures (AMs) for data poor stocks in the Pacific region, particularly for coral reef and crustacean management unit species. Further, the WPFMC will review those species it intends to designate as Ecosystem Component Stocks, for which no ACLs need to be specified.
- The WPFMC will continue to work with NMFS to refine descriptions of essential fish habitat (EFH) and habitats of particular concern (HAPC) for all western Pacific management unit species and assist communities in developing proposals.
- The WPFMC will also continue to assist eligible Pacific Island communities in developing proposals for access to fisheries through the western Pacific Community Development Program.

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## **F. APPENDIX – STATISTICAL FISHERIES DATA**

In addition to assessing the apportionment of membership on each Council, this report provides the following statistical information about the status of fisheries managed under each Council, and also identifies the number of Council members participating in those fisheries. The most recent data were compiled to show the volume of fisheries production and the related effort in each fishery managed under an FMP.<sup>6</sup>

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<sup>6</sup> The Secretary also has management authority over Highly Migratory Species in the EEZ off the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf of Mexico coasts. An additional table has been included with the following Appendix, which lists FMPs and other statistical data for Atlantic and Gulf HMS.

## Appendix

This appendix provides statistical data required by Section 302(b)(2)(B)(i) of the Magnuson-Stevens Act. Unless otherwise indicated, the data are for the 2011–2012 fisheries listed by FMP. Reported landings are for catches throughout the entire range of a fishery managed under the FMP. Beginning from the leftmost column, the listed data are:

1. FMPs developed by each Council;
2. Type of fishery managed under each plan, i.e., commercial or recreational, or mixed (see below);
3. Species/species groups making up each fishery;
4. Weight of each species or species group in a fishery landed in 2008 (or as otherwise indicated) showing both the landings for commercial and recreational fishermen, if recreational information is available;
5. Number of fishermen participating in the listed fisheries, if available; otherwise, the number of U.S. vessels either permitted or estimated to be operating in the fishery;
6. Gear and processing methods used in each fishery;
7. Range and seasonality of the fishery; and
8. Number of current Council members who are commercial or recreational sector participants in each fishery; or their representatives<sup>7</sup>.

### LEGEND FOR TYPE FISHERIES

C - Commercial fishery: Eighty percent or more of the reported landings are by commercial fishermen.

c - Mainly commercial fishery: More than 60 percent (-) but less than 80 percent (-) of the reported landings are by commercial fishermen.

x - Mixed fishery: Sixty percent or less of the reported landings are by each group of commercial and of recreational fishermen.

r - Mainly recreational fishery: More than 60 percent (-) but less than 80 percent (-) of the reported landings are by recreational fishermen.

R - Recreational fishery: Eighty percent or more of the reported landings are by recreational fishermen.

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<sup>7</sup> Vertical sums in the attached appendices may not match the sums entered for interest sectors in Table 1 on page 6. If one or more Council members actively participated in more than one fishery, the vertical sum will exceed the number entered in the interest sector column. Also, if a Council member participated in a currently closed fishery, he or she is still listed as a representative of the fishery in the table because of the expertise they bring to the Council regarding the operation of the fishery.

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	Landings (metric tons) 2011	Vessels (permits) 2011	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2012	
								Comm.	Rec.
Northeast Multi-Species	C	Commercial Atlantic cod Haddock Pollock Hakes Ocean perch (redfish) Yellowtail flounder American plaice Winter flounder Witch flounder Windowpane flounder* Atlantic halibut Ocean pout	6,831 5,012 6,353 10,488 2,014 1,831 1,387 2,124 870 32 23 0	2,672	trawl, dredge, longline, gillnet, hook & line	FMP area/year round	gutted	8	3
	R	Recreational Cod Pollock Winter flounder	1,826 1,449 94	723	hook & line	FMP area/year round	gutted, filleted		
Atlantic Sea Scallops	C	Atlantic sea scallops	26,688	847	dredge & trawl	FMP area/year round	hand shucking and freezing	3	0
Atlantic Salmon	R	Atlantic salmon	0	None	None	None	None	0	0
Deep-sea Red Crab	C	Deep-sea red crab	1,632	1,540	Traps, trawl	FMP area/year round	whole, partially processed at sea	1	0
Atlantic Herring	C	Atlantic herring	80,361	2,240	Mid-water trawl; purse seines; weirs; otter trawl	FMP area/year round	fresh/canned shoreside/fresh bait	3	0
Monkfish	C	Monkfish	4,802	2,532	gillnets, trawls, dredges	FMP area/year round	fresh	7	0

## NEFMC MEMBERSHIP

Commercial 2012	Recreational 2012	Other 2012
7	3	2

Commercial fisheries landings statistics were provided by the Northeast Region and are based on information in the Region's data base as of October 2012. Recreational fisheries information was obtained from the Office of Science and Technology at <http://www.st.nmfs.gov/st1/recreational/queries/index.html> and are based on the results of the 2011 Marine Recreational Fisheries Statistics Survey.

FISHERY MANAGEMENT PLAN	Type	Species/Species Group	Landings (metric tons) 2011	Vessels (permits) 2011	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2012	
								Comm.	Rec.
Atlantic Mackerel, Squid & Butterfish	C	Commercial Atlantic mackerel	531	2,229	otter trawl, trap, gillnet	FMP area/year round	frozen, whole	2	1
	C	Squid, <u>Loligo</u> Squid, <u>Ilex</u> Butterfish	9,546 18,797 664	(Combine) 2,127	trawl; traps	FMP area/year round	at-sea & ashore, some mackerel fillets		
	R	Recreational Atlantic mackerel	932	788		FMP area/year round			
Atlantic Surf Clam & Ocean Quahogs	C	Atlantic surfclams	19,907	731	Dredge	FMP area/year round (ITQ mgmt.)	shucked shoreside	1	
		Ocean quahogs	14,411	764					
Summer Flounder (fluke)	x	Commercial	7,516	911	hook & line, otter trawl, trap, gillnet	FMP area/year round	fillets ashore; fresh & frozen	3	3
		Recreational	2,701	845					
Scup	x	Commercial	6,819	761					
		Recreational	1,662	761					
Black Sea Bass	x	Commercial	766	799					
		Recreational	824	819					
Tilefish	C	Golden Tilefish	794	2,270	longline, hook & line	FMP area/year round	fresh/frozen	1	
Atlantic Bluefish	x	Commercial	2,303	2,767	hook & line; otter trawl; gillnet	FMP area/year round	fillets fresh/frozen	1	3
	x	Recreational	5,317	884					
Spiny Dogfish	C	Commercial	9,480	2,745	gillnet; trawl	FMP area/year round	fresh/frozen	5	1

## MAFMC MEMBERSHIP

Commercial 2012	Recreational 2012	Other 2012
4	4	5

1 pending appointment

Commercial fisheries landings statistics were provided by the Northeast Region and are based on information in the Region's data base as of October 2012. Recreational fisheries information was obtained from the Office of Science and Technology at <http://www.st.nmfs.gov/st1/recreational/queries/index.html> and are based on the results of the 2011 Marine Recreational Fisheries Statistics Survey.

A-iii SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL (SAFMC)	Type	Species/Species Group	Landings (metric tons) 2011	Vessels (permits: <sup>1</sup> Federal or Florida (FL))	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2012	
								Comm.	Rec.
Golden Crab	C	Golden Crab	278	11	traps	FMP area/ year-round	Fresh		
Snapper/Grouper Fishery of the South Atlantic	X	Commercial Groupers Wreckfish Snappers Other species	637 Confidential 1,101 2,214	753 14	rod and reel, bandit gear, longline, handline	FMP area/ prohibition on harvest and possession of Nassau grouper and Goliath grouper year-round <sup>2</sup>	at sea, gutted	3	4
		Recreational Groupers Snappers Other Species	187 513 2,593	1,781 (for-hire)	handline, rod and reel, bandit gear, spear, powerhead	FMP area			
Penaeid Shrimp Fishery of the South Atlantic Region	C	Commercial All	10,285	629 (penaeid) 111 (rock)	trawls	FMP area/ year-round	shore-side processing		
		Recreational White	n/a <sup>3</sup>	156 (rock Carolinas zone)	n/a <sup>3</sup>	n/a <sup>3</sup>			
Coral, Coral Reefs, and Live/Hard Bottom Habitat of the South Atlantic Region	C	Commercial-Octocoral <sup>3</sup> (2010 landings)	22,218 (2,557 Fed, 19,661 State) colonies	42	hand harvest	south FL/ year-round	Fresh		
		Recreational	n/a <sup>4</sup>	n/a <sup>4</sup>					
Gulf of Mexico Spiny Lobster [Jointly managed with GMFMC]								1	
Coastal Migratory pelagics [Jointly managed with GMFMC]								4	8

1 Number of vessels with active permits for 2011.

2 Commercial and recreational sector for shallow water groupers closed during January-April. Commercial fishery for red porgy closed during January-April. Commercial fishery for greater amberjack closed during April. Fishing prohibited year-round in Oculina HAPC.

3 Not applicable (No recreational fishery in the EEZ).

4 Octocoral landings and number of persons harvesting octocoral provided by State of Florida. Federal permits are not required for octocoral harvest.

SAFMC MEMBERSHIP

Commercial	Recreational	Other
2012	2012	2012
3	4	1

Sources: Commercial landings information was obtained from the annual catch limit (ACL) datasets produced by the Southeast Fisheries Science Center (SEFSC), Miami, FL, and from the Florida Fish and Wildlife Conservation Commission's Marine Fisheries Information System. Recreational landing estimates were obtained from the SEFSC ACL datasets and include MRFSS and headboat landings data. NMFS Southeast Region, St. Petersburg, FL, provided the Federal permit information for 2011.

A-iv GULF OF MEXICO FISHERY MANAGEMENT COUNCIL (GMFMC)	Type	Fishery/Species, Species Group	Landings (metric tons) 2011	Vessels (permits: <sup>1</sup> Federal or Florida (FL))	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2012	
								Comm.	Rec.
Red Drum Fishery of the Gulf of Mexico	R	Commercial - Red Drum Recreational	16 7,347 <sup>5</sup>	n/a <sup>6</sup> n/a <sup>6</sup>	n/a <sup>6</sup> n/a <sup>6</sup>	EEZ Closed n/a <sup>6</sup> EEZ Closed n/a <sup>6</sup>	n/a <sup>6</sup> n/a <sup>6</sup>	1	2
Reef Fish Fishery of the Gulf of Mexico	X	Commercial Grouper Red Snapper Other snapper Other species <sup>7</sup>  Recreational Grouper Red Snapper Other snappers Other species <sup>7</sup>	3,250 1,630 2,009 520  668 2,088 1,117 787	952 (reef fish) 62 (reef fish bottom long line endorsements) 418 (red snapper IFQ) <sup>8</sup> 699 (grouper tilefish IFQ) <sup>8</sup> n/a <sup>3</sup> (1,396 for-hire)	longline, handline, bandit gear, rod and reel, buoy gear, spear, powerhead  spear, powerhead, bandit gear, handline, rod and reel, cast net	FMP area/ year round <sup>9</sup>  FMP area/ year round <sup>4,9</sup>	at-sea, gutted; shore-side processing	3	4
Shrimp Fishery of the Gulf of Mexico	C	Commercial-All  Recreational	61,935  n/a <sup>3</sup>	1,632  n/a <sup>3</sup>	trawl, butterfly net, skimmer, cast net  trawl	FMP area/ year round; annual TX closure; seasonal FL closure  FMP area/ year round	tail separation at-sea; shore-side processing	1	
Spiny Lobster Fishery of the Gulf of Mexico & South Atlantic [shared w/SAFMC]	C	Commercial <sup>10</sup>  Recreational <sup>10</sup>	2,691  642 <sup>2</sup>	250 commercial 445 tailing FL: n/a <sup>2</sup>  n/a <sup>3</sup>	trap, pot, dip net, bully net, hoop net, trawl, snare, hand harvest  dip net, bully net, pot, trap, snare, hand harvest	Florida/ Aug-Apr  FL / 2-day sport-season in July, Aug-Apr	tail separation at-sea; shore-side processing	1	
Coral & Coral Reefs of the Gulf of Mexico	C	Commercial Octocoral <sup>2</sup>  Recreational	6,724 (3,464 Fed + 3,260 State) colonies  n/a <sup>3</sup>	20  n/a <sup>3</sup>	hand harvest  hand harvest	South FL/ year round	fresh	4	3
Coastal Migratory Pelagic Resources of the Gulf of Mexico & South Atlantic [shared w/SAFMC]	X	Commercial King mackerel  Spanish mackerel  Recreational King mackerel Spanish mackerel	2,615  2,569  1,907 1,800	1,529 (king mackerel) 23 (gillnet for king mackerel) 2,080  n/a <sup>3</sup> n/a <sup>3</sup> (1,423 for-hire) (1,780 South Atlantic for-hire)	gillnets, longline, bandit gear, handline, rod and reel, purse net  bandit gear, handline, rod and reel, spear	Gulf & South Atlantic: Year round, commercial closures when quotas are reached	At-sea, gutted, Shore-side processing	3	4

A-iv GMFMC (continued) from preceding page:

- 1 Number of active permits for 2011.
- 2 Data from state of Florida.
- 3 Not Available (no federal permit or reporting requirements, except for-hire vessels).
- 4 Recreational fishery for red snapper in 2010 was closed from January 1 to June 1 and from August 15 through December 31.
- 5 State landings only.
- 6 Not applicable (fishery closed in federal waters).
- 7 Includes greater amberjack, lesser amberjack, almaco jack, banded rudderfish, gray triggerfish, tilefishes, and hogfish.
- 8 Individual Fishing Quotas Program shareholders at the end of 2011. Note: Red snapper and grouper tilefish shareholders cannot be summed for total IFQ shareholders because the same entity can own shares in both programs. This entity is then counted in the red snapper and grouper tilefish programs.
- 9 Bottom fishing prohibited year-round on Madison and Swanson sites and Steamboat Lumps; the Edges is closed to all fishing January through April. Recreational fishery for gag, red grouper, and black grouper is closed February 1 to March 31.
- 10 Data from 2010-2011 fishing season.

GMFMC MEMBERSHIP

Commercial 2012	Recreational 2012	Other 2012
4	4	3

Sources: Commercial landings information was obtained from the annual catch limit (ACL) datasets produced by the Southeast Fisheries Science Center (SEFSC), Miami, FL, and from the Florida Fish and Wildlife Conservation Commission's Marine Fisheries Information System. Recreational landing estimates were obtained from the SEFSC ACL datasets and include MRFSS and headboat landings data. NMFS Southeast Region, St. Petersburg, FL, provided the Federal permit information for 2010.

A-V CARIBBEAN FISHERY MANAGEMENT COUNCIL (CFMC)

A-V CARIBBEAN FISHERY MANAGEMENT COUNCIL (CFMC)	Species/Species Group	Landings (metric tons) 2011	Vessel permits <sup>1</sup>	Gear	Fishing Areas/Seasons	Processing	Participants/Representatives in 2012	
							Comm.	Rec.
Spiny Lobster	Commercial	125 (PR) 87 (USVI)	n/a	trap/pot, dip net gillnet, snare	year-round	fresh, landed whole	1	
	Recreational	n/a <sup>3</sup>	n/a	dip net, trap, pot	year-round			
Reef Fish (snappers, groupers, other reef species)	Commercial	578 (PR) 330 (USVI)	n/a	longline, hook and line, trap, pot,	area closures <sup>4</sup> , seasonal closures for numerous snappers and groupers; prohibition on harvest and possession of Nassau and Goliath groupers	gutted at-sea, shore-side processing	2	1
	Recreational	59 <sup>2</sup> (PR) n/a <sup>3</sup> (USVI)	n/a	dip net, handline, rod and reel, slurp gun, spear				
Coral Reef Resources	Commercial Stony Corals Gorgonians Live Rock Other Invertebrates Algae Seagrasses	0 0 0 0 0 0 0	n/a n/a n/a n/a n/a n/a n/a	dip net, slurp gun, hand harvest	year-round	live, fresh		
	Recreational	n/a <sup>3</sup>	n/a	dip net, slurp gun, hand harvest				
Queen Conch	Commercial	107 (PR) 24 (USVI)	n/a	hand harvest (no hookah)	closed year round (no harvest) in EEZ except east of St. Croix (portion of Lang Bank) where it is closed seasonally each year July through September	live, landed whole in shell, shore-side processing		
	Recreational	n/a <sup>3</sup>	n/a	hand harvest (no hookah)				

CFMC MEMBERSHIP

Commercial 2012	Recreational 2012	Other 2012
2	1	1

1 Not applicable (no permits required).

2 Recreational landings only for Puerto Rico and are collected by the Marine Recreational Fisheries Statistics Survey.

3 Not available. Recreational landings in USVI are not collected.

4 Fishing with pots, traps, bottom longlines, gill nets, and trammel nets is prohibited year-round at Grammanik Bank and at various mutton snapper and red hind spawning aggregation sites. Fishing for any species is prohibited year-round within Hind Bank Marine Conservation District.

Sources: Puerto Rican and USVI Commercial landings were obtained from the Southeast Fisheries Science Center (SEFSC), Miami. Puerto Rico commercial landings are from the Accumulated Landings System at the Southeast Fisheries Science Center (SEFSC), Miami, FL.

A-vi PACIFIC FISHERY MANAGEMENT COUNCIL (PFMC)	Type	Species/Species Group	2011 Landings (salmon in # of fish, others in metric tons)	2011 Permits (Vessels) & Angler Trips	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2012*	
								Comm.	Rec.
Ocean Salmon Fisheries off the Coasts of Washington, Oregon, and California <sup>2</sup>	X	Commercial Chinook salmon Coho salmon Pink salmon  Recreational Chinook salmon Coho salmon Pink salmon	163,283 17,134 215  83,380 58,737 10,828	CA Troll 1,167 OR Troll 1,003 WA Troll 158  213,450 Angler Trips	Troll; hook and line,	WA, OR & CA/ variable dates by area	headed & gutted; fillets; fresh & frozen	0	3
Pacific Coast Groundfish <sup>1</sup>	X	Pacific whiting Flatfish Rockfish Other groundfish  Recreational Groundfish	103,189 11,921 4,465 9,157  1,770	Limited Entry: 275 vessels registered to a LE permit Open Access: (795 vessels landed groundfish)  853,537 Boat Based Trips targeting groundfish	trawl; hook & line; pots; set nets	CA/year round OR/year round WA/year round	headed & gutted; fillets; surimi; fresh & frozen	3	3
Coastal Pelagic Species <sup>3</sup>	C	Pacific sardine Pacific mackerel Jack mackerel Market squid Northern Anchovy	46,746 1,364 104 121,556 2,814	Federal Limited Entry permits south of Point Arena 65 (55 vessels) Washington and Oregon State Limited Entry permits- 41 (23 vessels)	purse seine	CA - year round OR and WA - summer	human consumption bait meal and oil	1	
Highly Migratory Species <sup>3</sup>	X	Northern albacore Other tunas Swordfish Sharks	11,041 169 619 95	1,953	Surface hook-and line  Coastal purse seine  Harpoon  Drift gillnet  High Seas longline	CA/year round OR/year round WA/year round	Fresh, frozen, canned  Human consumption		4

PFMC Membership

Commercial 2012	Recreational 2012	Other** 2012
2	3	4

\* Council Representative may represent more than One FMP.

\*\* "Other" includes tribal representative.

<sup>1</sup> Pacific Coast groundfish fishery data was extracted directly from the PacFin data system (commercial), and RecFin.

<sup>2</sup> "Review of 2008 Ocean Salmon Fisheries;" (February 2009, Pacific Fishery Management Council).

<sup>3</sup> SWR estimates from PacFin.

A-vii NORTH PACIFIC FISHERY MANAGEMENT COUNCIL (NPFMC)	Type	Species/Species Group	Tonnage (metric tons) <sup>1</sup>	Fishermen & Crew <sup>2</sup>	Gear	Fishing Areas & Seasons	Processing	Participants/ Representatives in 2012 <sup>4</sup>	
								Comm.	Rec.
Groundfish of the Gulf of Alaska (GOA)	C	Pollock Pacific cod Flatfish Rockfish Sablefish Atka mackerel Misc. species	103,911 76,775 29,392 27,189 11,918 1,187 5,975	1,195 Federal Fishing permits  1,110 LLP permits	trawl; pot; hook & line; jig	area/time closures adjusted in season  LLP permits have gear and area endorsements	hand & machine fillet; headed/gutted; frozen; minced; meal & oil	4	
Groundfish of the Bering Sea and Aleutian Islands (BSAI)	C	Pollock Pacific cod Flatfish Rockfish Sablefish Atka mackerel Misc. species	1,206,133 242,732 291,128 28,120 1,942 47,832 30,519	538 Federal fishing permits  507 LLP permits	trawl; pot; hook & line; jig	area/time closures adjusted in season  LLP permits have gear and area endorsements	hand & machine fillet; headed/gutted; frozen; minced; meal & oil	4	
Commercial King and Tanner Crab Fisheries in the BSAI	C	King Crab Red king crab Golden king crab Blue King Crab Tanner Crab <i>C. opilio</i> (snow) <i>C. bairdi</i>	3,196 Confidential <sup>771</sup> 36,262 closed	502 Quota Share holders for IFQ crab  347 LLP permits	Pot	Deferred to State; generally winter months;  LLP permits have fishery endorsements for minor crab species.	cooked; refrigerated; frozen	3	
Salmon fisheries in the EEZ off Alaska and adjacent state waters	C	Chinook salmon Coho salmon Pink salmon Sockeye salmon Chum salmon	1,178 3,150 271 8 2,177	1,101 permits fished	troll <sup>3</sup>	Deferred to State; generally West area is closed; southeast area time area limits.	fresh; gutted & gilled; glazed; frozen; canned; smoked		1
Scallop Fishery off Alaska	C	Weathervane scallops (no directed fisheries occur for other scallop species listed in the FMP)	206	9 LLP permits	Dredges	Deferred to State; Time and area openings are adjusted inseason	hand shucked and frozen or iced		

Secretarial appointed NPFMC membership in 2012: Commercial 5; Recreational 1; Other 1

§ In addition to these five FMPs, the NPFMC also is responsible for developing regulations governing Pacific halibut fisheries in and off of Alaska under authority of the Northern Pacific Halibut Act of 1982 (Halibut Act). These regulations, which are in addition to and not in conflict with regulations adopted by the International Pacific Halibut Commission, primarily allocate halibut fishing privileges among U.S. fishermen. Although the NPFMC develops halibut management regulations according to principles of the Magnuson-Stevens Act, no halibut FMP exists because the Magnuson-Stevens Act does not apply to management of the Pacific halibut fisheries. In 2012, the commercial fishing season for halibut in and off Alaska runs from March 17 through November 7. The total commercial catch of halibut under the Individual Fishing Quota (IFQ) and Community Development Quota (CDQ) Programs through November 17, 2012 was 11,230 mt, net weight, about 97 percent of the available quota. At that date, about 342 mt of Pacific halibut remained. For Pacific halibut, 2,568 persons held IFQ Quota Share as of December 2012.

- 2012 salmon catch data are from the State of Alaska. These data represent only the southeast AK hand and power troll fisheries that are governed by the Salmon FMP and managed as one fishery, inside and outside State waters by the State of Alaska. The catch data for the BSAI crab fisheries are from the BSAI Crab Rationalization Program Report for Fishing Year 2011/2012 (July 1, 2011 through June 30, 2012), prepared by the Alaska Region, NMFS. Alaska scallop fishery catch data for the 2011/2012 season (July 1, 2011 to June 30, 2012) are from the State of Alaska. All other catch data are from the Alaska Region, NMFS, and reflect catch reports through December 8, 2012. NMFS catch data include retained and discarded catch amounts. Miscellaneous groundfish species includes squid, skates, sharks, octopus, and sculpin.
- Data represent persons or vessels permitted to harvest fish, not the number of individuals actually involved in the operation of vessels, catching and processing fish. The number of permits actually used to harvest fish is fewer than that indicated by the data. Participation in all FMP fisheries is governed by some form of limited access system. License Limitation Programs (LLP), initially effective in 2000, apply to all fisheries except crab fisheries brought under a new IFQ system in 2005, salmon (which is governed by the State of Alaska limited entry system), demersal shelf rockfish in the Southeast Gulf of Alaska, IFQ sablefish, and IFQ and CDQ halibut fisheries. In 2005, a new IFQ program replaced the LLP license requirement for most BSAI king and Tanner crab fisheries. A total of 490 distinct persons were initially issued one or more types of harvesting quota share for eight crab fisheries (managed as nine fisheries starting July 1, 2007); in the 2010/2011 crab year most IFQ crab was assigned to cooperatives; 133 distinct Hired Masters fished IFQ for 10 active permit holders (counting cooperatives, not members). Some LLP crab licenses were re-issued to authorize fishing not managed under the IFQ system. Of the approximate total 2,182 current LLP permits, most (1,835) authorized fishing for groundfish in the BSAI or GOA or both, and 347 still authorized fishing for BSAI crab species not under crab rationalization management; the remaining 9 were for scallop harvest. A number of permits were "interim" and will be revoked following final adjudication of claims. Also, a total of 841 persons held QS to harvest sablefish as of December 2012, with fixed gear in the GOA and BSAI under the IFQ Program. The salmon permit data are from the State of Alaska and represent the number of individual permits fished in 2010.
- Troll gear is the gear authorized to be used in the EEZ under the salmon FMP, however, other gear types such as gill nets and purse seines are authorized in other areas of the State to harvest salmon.
- Columns not completed. In many cases, overlapping interests exist and defining the specific degree of Council representation on a specific FMP cannot be conclusively determined.

A-viii WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL (WPFMC)

A-viii WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL (WPFMC)	Type	Species/Species Group	Landings (metric tons) 2011 <sup>1</sup>	Vessels (permits) <sup>2</sup>	Gear	Fishing Areas/ Seasons	Processing	Participants/ Representatives in 2012	
								Comm.	Rec.
Hawaii Archipelago (including Midway Atoll)	C/R	Bottomfish and Seamount Groundfish	172 (C) 120 (R) <sup>3</sup>	468 (C) Est. 300 (R); including 25 non-commercial federal permits	handline, rod and reel	FEP Area/year round, except: a. Main Hawaiian Islands (MHI) upon reaching annual TAC b. Northwestern Hawaiian Islands (NWHI) (closed) c. Hancock Seamounts (closed until pelagic armorhead is rebuilt)	fresh fish market	1	1
		Spiny and slipper lobster, Kona crab, deep-water shrimp	25	0	traps hand	FEP Area/year round, except: a. NWHI (closed) b. MHI: (closed 5/1 – 8/31)	flash frozen and live market		
		Precious corals (all species combined)	Confidential (<2 active vessels)	3	manned submersible, remote operated vessel, hand	FEP Area/year round, except: a. Makapu and Auau Beds which have 2 year fishing periods that begin 7/1 and ends 6/30 2 years later b. NWHI (closed)	shaped/ polished		
		Currently harvested coral reef taxa, Potentially harvested coral reef taxa	517 (C) 312 (R) <sup>3</sup>	1 <sup>5</sup>	hook and line, hand, net, trap, slurrpgun, spear	FEP Area/year round	fresh fish and aquarium markets		
Mariana Archipelago (CNMI & Guam)	C/R	Bottomfish	19 (CNMI) 5 (Guam)	12 (CNMI) 6 (Guam)	handline, rod and reel	FEP Area/year round	fresh fish market	1	0
		Spiny and slipper lobster, and deep-water shrimp	<1 (CNMI) <1 (Guam)	2	traps hand	FEP Area/year round	flash frozen and live market		
		Precious corals (all species combined)	0	0	manned submersible, remote operated vessel, hand	FEP Area/year round	shaped/ polished		
		Currently harvested coral reef taxa, Potentially harvested coral reef taxa	30(CNMI) 52(Guam)	0	hook and line, hand, net, trap, slurrpgun, spear	FEP Area/year round	fresh fish and aquarium markets		
American Samoa	C/R	Bottomfish	7	No permits required	handline, rod and reel	FEP Area/year round	fresh fish market	0	1
		Spiny and slipper lobster, and deep-water shrimp	1	2	traps hand	FEP Area/year round	flash frozen and live market		
		Precious corals (all species combined)	0	0	manned submersible, remote operated vessel, hand	FEP Area/year round	shaped/ polished		
		Currently harvested coral reef taxa, Potentially harvested coral reef taxa	21	0	hook and line, hand, net, trap, slurrpgun, spear	FEP Area/year round	fresh fish and aquarium markets		
Pacific Remote Island Areas (Howland, Baker and Jarvis Islands, Kingman Reef, and Wake and Palmyra Atolls)	C/R	Bottomfish	n/a <sup>4</sup>	6	handline, rod and reel	FEP Area/year round	fresh fish market	0	0
		Spiny and slipper lobster, and deep-water shrimp	n/a <sup>4</sup>	1	traps hand	FEP Area/year round	flash frozen and live market		
		Precious corals (all species combined)	n/a <sup>4</sup>	0	manned submersible, remote operated vessel, hand	FEP Area/year round	shaped/ polished		
		Currently harvested coral reef taxa, Potentially harvested coral reef taxa	n/a <sup>4</sup>	0	hook and line, hand, net, trap, slurrpgun, spear	FEP Area/year round	fresh fish and aquarium markets		
Pelagic	C/R	Commercial - Tunas - Swordfish - Other (inc. sharks) - Blue marlin - Mahimahi - Other billfish - Wahoo - Squid  Estimated Recreational (all species)	12,123 1,651 1,337 587 778 703 444 1.5  4,733(R) <sup>3</sup>	189 longline 11 troll & handline  5 squid  n/a	troll handline longline squid jig spear	FEP Area/year round, except: a. Area closures around the Hawaii, Mariana and American Samoa Archipelagos b. Hawaii longline fishery upon reaching annual bigeye tuna catch limit	fresh fish market  whole frozen for cannery	0	0

WPFMC MEMBERSHIP

Commercial 2012	Recreational 2012	Other 2012
2	2	3

- 1 PIRO obtained landing data from NMFS Pacific Islands Fisheries Science Center, Western Pacific Fisheries Information Network at <http://www.pifsc.noaa.gov/wpacfin> which are primarily comprised of domestic commercial landings, except in American Samoa where non-commercial (recreational and subsistence) landings may be included.
- 2 PIRO Sustainable Fisheries Division, Permits Program provided the federal permit information, except for Hawaii bottomfish and seamount groundfish, which is provided by the State of Hawaii commercial marine license and bottomfish vessel registration programs.
- 3 Where noted, PIRO obtained recreational (R) fisheries landing data from NMFS Office of Science and Technology at <http://www.st.nmfs.noaa.gov/st1/recreational/queries/index.html> No catches reported for this resource in the Pacific Remote Island Areas.
- 4 PIRO issued a special coral reef ecosystem permit in 2011 authorizing the cultivation and harvest of 2,000 individual hatchery spawned potentially harvested coral reef taxa (*Seriola rivoliana*) in the U.S. EEZ around Hawaii Island. Landing from this activity is not included in the Hawaii landings total.

A-ix HIGHLY MIGRATORY SPECIES	TYPE	SPECIES/ SPECIES GROUP	LANDINGS 2011 MT = METRIC TONS WW = WHOLE WEIGHT DW = DRESSED WEIGHT	2012 VESSELS (PERMITS)	GEAR <sup>7</sup>	FISHING AREAS/SEASONS <sup>8</sup>	PROCESSING	2012 REPRESENTATIVES <sup>9</sup>				
								COMMERCIAL	RECREATIONAL	ACADEMIA/ ENVIROS	FMCs	IAC
Atlantic Billfishes <sup>1</sup>	R	White Marlin; Blue Marlin; Sailfish; Roundscale spearfish Longbill Spearfish (prohibited)	80.9 mt ww <sup>2</sup> (comm dead discards) 9.8 mt ww <sup>2</sup> (rec)	Charter permits <sup>5</sup> Recreational permit <sup>6</sup>	Rod & reel	Atlantic coast, Gulf of Mexico, Caribbean Sea; Calendar year	Sale prohibited	12	12	8	5	1
Atlantic Sharks <sup>1</sup>	X	Commercial/Recreational -Large coastal (11 spp) -Pelagics (5 spp) -Small coastal (4 spp) -Prohibited (19 spp)	Comm <sup>3</sup> 1,091 mt dw 689 Large Coastal 142 Pelagic 265 Small Coastal Rec <sup>3,4</sup> 175.4 60.9 Large Coastal 5.2 Pelagic 109.3 Small Coastal	LIMITED ACCESS <sup>7</sup> Commercial permits - 215 directed - 271 incidental Charter permits <sup>5</sup> Recreational permit <sup>6</sup>	Longline; Gillnets; Rod & reel; Handline; Bandit Rod & reel; Handline	Atlantic coast, Gulf of Mexico, Caribbean Sea; Non-sandbar LCS regions: Atlantic and Gulf of Mexico; Calendar year Atlantic coast, Gulf of Mexico, Caribbean Sea; Calendar year	Fins exported; Carcasses/ cartilage to U.S. market Sale Prohibited	12	12	8	5	1
Atlantic Swordfish <sup>1</sup>	X	Commercial Recreational	2834 mt ww <sup>2</sup> (includes discards) 53.6 mt ww <sup>2</sup>	LIMITED ACCESS Commercial permits - 184 directed - 150 incidental/ handgear Charter permits <sup>5</sup> Recreational permit <sup>6</sup>	Longline; Buoy; Handline; Harpoon; Rod & reel; Bandit Otter trawl (incidental) Rod & reel; Handline	North and South Atlantic, Caribbean Sea, and Gulf of Mexico; Calendar year; North Atlantic directed semi- annual seasons: 1/1-6/30; 7/1- 12/31 Calendar year (East Coast of US)	Fresh/frozen U.S. market Sale prohibited	12	12	8	5	1
Atlantic Tunas <sup>1</sup>	X	Commercial Bluefin Yellowfin Bigeye Albacore Skipjack Recreational Bluefin Yellowfin Bigeye Albacore Skipjack	3,150.1 mt ww <sup>2</sup> 710.4 1,517.5 636.5 278.4 7.3 2,028.2 mt ww <sup>2</sup> 173.3 1,497.7 109.6 170.6 77	Commercial permits - 253 Longline - 4,084 General - 13 Harpoon - 8 Trap - 3 Purse Seine (VTQ) Charter permits <sup>5</sup> Recreational permit <sup>6</sup>	Rod & reel; Purse seine; Bandit gear; Longline; Handline; Harpoon; Trap; Greenstick Rod & reel; Handline; Speargun (non- bluefin tuna)	Northwest Atlantic, Gulf of Mexico (No Directed Fishing for Bluefin Tuna), and Caribbean Sea; Calendar year	Bluefin: fresh foreign and U.S. market. Other tunas: fresh/canned foreign and U.S. market Sale prohibited	12	12	8	5	1

1 2006 Final Consolidated Atlantic Highly Migratory Species Fishery Management Plan.

2 Source: 2012 U.S. National Report submitted to ICCAT. Includes rod and reel recreational landings from the Caribbean

3 Source: 2012 Stock Assessment and Fishery Evaluation Report for Atlantic Highly Migratory Species.

4 Number of fish in thousands (not mt).

5 4,129 Charter/headboat permits issued as of October, 2012. Required for all tuna, swordfish, shark, and billfish fishing. These permits are considered commercial for Atlantic tunas.

6 23,061 recreational angling permits issued as of October, 2012. Required for all tuna, swordfish, shark, and billfish recreational fishing.

7 Certain gear types may have restrictions, including time/area closures and gear modifications.

- 8 Seasons may close when quota is reached.
- 9 HMS Advisory Panel includes representatives of commercial and recreational fishing groups, academic, and environmental organizations, and one each from the U.S. ICCAT Advisory Committee, Atlantic and Gulf states, and the New England, Mid-Atlantic, Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils. The numbers for tunas, swordfish, billfish, and sharks are not additive.

2012 REPORT TO CONGRESS

ON THE DISCLOSURE OF FINANCIAL INTEREST AND

RECUSAL REQUIREMENTS FOR

REGIONAL FISHERY MANAGEMENT COUNCILS

AND

SCIENTIFIC AND STATISTICAL COMMITTEES

PURSUANT TO SECTION 302(j)(9) of the  
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

PREPARED BY  
U.S. DEPARTMENT OF COMMERCE  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION  
NATIONAL MARINE FISHERIES SERVICE

2013





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## **A. Summary**

Section 302(j)(9) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires the Secretary of Commerce (Secretary) to submit an annual report to Congress beginning January 1, 2008, on action taken by the Secretary and the Regional Fishery Management Councils (Councils) to implement the disclosure of financial interest and recusal requirements of the Magnuson-Stevens Act, including identifying any conflict of interest problems with respect to the Councils and Scientific and Statistical Committees (SSCs) and recommendations for addressing any such problems. This is the sixth in the series of such reports, which assesses the efforts and action taken by the Secretary and the Councils in 2012 to meet the requirements of the Magnuson-Stevens Act.

This report also discusses the disclosure of financial interests by a voting member of a Council in accordance with Section 302(b)(2) of the Magnuson-Stevens Act, including individuals nominated for appointment by the governor of a state, a voting member of a Council appointed by the Secretary in accordance with Section 302(b)(2) or 302(b)(5), and members of an SSC appointed under Section 302(g)(1)(A) as it pertains to reporting, filing, and recusal requirements. Furthermore, this report discusses the actions being taken by the Secretary and the Councils to identify and address conflict of interest issues among the Councils and SSCs.

## **B. Background**

The Magnuson-Stevens Act established eight regional fishery management Councils: New England (NEFMC), Mid-Atlantic (MAFMC), South Atlantic (SAFMC), Gulf of Mexico (GMFMC), Caribbean (CFMC), Pacific (PFMC), North Pacific (NPFMC), and Western Pacific (WPFMC). Councils prepare and submit fishery management plans (FMPs) to the Secretary for fisheries under Council authority that require conservation and management, and any amendments necessary to manage the fisheries consistent with the Magnuson-Stevens Act.

The Magnuson-Stevens Act also specifies that the voting members of each Council are: the principal state official with fishery management responsibility and expertise in each constituent state, who is designated by a governor; NOAA's National Marine Fisheries Service (NMFS) Regional Administrator for the geographic area concerned; public individuals appointed by the Secretary from among nominees submitted by governors of the constituent states; and an individual appointed to the PFMC, from among nominees submitted from a list of tribal governments.

Each Council is required to establish and appoint members to an SSC to provide the Councils ongoing scientific advice for fishery management decisions—including recommendations for acceptable biological catch, preventing overfishing, maximum sustainable yield, and achieving rebuilding targets—and reports on stock status and health, bycatch, habitat status, social and economic impacts of management measures, and sustainability of fishing practices. Members of the SSCs are federal and state employees, academics, or independent experts with scientific or technical credentials and experience who assist the Councils in the evaluation of biological and other scientific information on issues that come before the Council.

An individual nominated by the governor of a state for appointment as a voting member of a Council, appointed by the Secretary as a voting Council member, or appointed by a Council to an SSC, must meet certain financial disclosure requirements.

### **C. Disclosure of Financial Interest and Recusal Requirements**

#### Disclosing Financial Interests: Reporting and Filing Requirements

Section 302(j)(2) of the Magnuson-Stevens Act requires “affected individuals” (defined in Section 302(j)(1) of the Magnuson-Stevens Act) to disclose any financial interest held by the individual, the spouse, minor child, or partner of that individual; and any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee in any harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be, undertaken within any fishery over which a Council has jurisdiction, or with respect to an individual or organization with a financial interest in such activity. Disclosure of financial interests will also include stocks, ownership interest, or employment with any entity that engages in or that provides services to someone engaged in any harvesting, processing, lobbying, advocacy, or marketing activity.

Affected individuals must disclose any financial interests on NOAA Form 88-195, Statement of Financial Interests (see Appendix 1). Guidance on reporting and filing procedures for complying with financial disclosure requirements are found at 50 CFR 600.235.

An individual who is nominated by the governor of a state for appointment as a voting member of a Council and before appointment by the Secretary must file a Statement of Financial Interests with the Assistant Administrator for Fisheries one month after nomination by the governor.

An individual who is a voting member of a Council, appointed by the Secretary in accordance with Section 302(b)(2) or (b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government, must file a Statement of Financial Interests within 45 days of taking office with the executive director of the Council, and must file an update with the executive director of the Council within 30 days of the time any such financial interest is acquired or substantially changed and by February 1 of each year.

The executive director of the Council will provide copies of all Statements of Financial Interests to the NMFS Regional Administrator, the Regional Attorney who advises the Council, and NMFS’ Office of Sustainable Fisheries. Statements of Financial Interests will be kept on file by each Council, made available on the Council internet site, be available for public inspection at the Council offices during reasonable hours, and be kept on file by NMFS on behalf of the Secretary for use in reviewing determinations under Section 302(j)(7).

An individual who is appointed to an SSC in accordance with Section 302(g)(1) of the Magnuson-Stevens Act must file a Statement of Financial Interests with the Regional Administrator, on behalf of the Secretary, which will be kept on file by NMFS.

## Voting Requirements and Financial Conflicts of Interest

An affected individual required to disclose a financial interest under 302(j)(2) of the Magnuson-Stevens Act shall not vote on a Council decision that would have a “significant and predictable effect” on a financial interest disclosed on his or her Statement of Financial Interests. In accordance with Section 302(j)(7) of the Magnuson-Stevens Act, a Council decision shall be considered to have a significant and predictable effect on a financial interest if there is a close causal link between the decision and an “expected and substantially disproportionate benefit” to the member’s financial interest. In accordance with regulations at 50 CFR 600.235(c)(3), an “expected and substantially disproportionate benefit” means a quantifiable positive or negative impact with regard to a matter likely to affect a fishery or sector of the fishery in which the affected individual has a significant interest, as indicated by:

- (a) a greater than 10 percent interest in the total harvest or the sector of the fishery under consideration by the Council;
- (b) a greater than 10 percent interest in the marketing or processing of the total harvest or the sector of the fishery under consideration by the Council; or
- (c) full or partial ownership of more than 10 percent of the vessels using the same gear type within the fishery, or the sector of the fishery, under consideration by the Council.

Although an affected individual may not vote, he or she may participate in Council deliberations relating to the decision after notifying the Council of the voting recusal and identifying the financial interest that would be affected.

At the request of an affected individual, or at the initiative of an appropriate designated official,<sup>1</sup> the designated official shall make a determination for the record as to whether a Council decision would have a “significant and predictable effect” on a financial interest (50 CFR 600.235(f)). Within 10 days, any Council member may submit a written request to the Secretary to review any determination made (50 CFR 600.235(g)(1)). The review of the determination must be completed within 30 days (50 CFR 600.235(g)(4)). Any affected individual who does not vote on a Council decision in accordance with Section 302(j)(7) may state for the record how he or she would have voted.

It is expected that SSC members maintain a high standard of conduct. Questions regarding conflict of interest requirements for SSC members should be addressed to the NOAA Regional Attorney who advises the Councils.

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<sup>1</sup>Designated official is a person with expertise in federal conflict-of-interest requirements who is designated by the Secretary, in consultation with the Council, to attend Council meetings and make determinations under paragraph 302(7)(B) of the Act. In practice, this has been the NOAA Regional Attorney who advises the Council.

**D. Action Taken by the Secretary and the Councils on the Disclosure of Financial Interest and Recusal Requirements**

To gather information needed to meet the requirements of Section 302(j)(9) to provide this report, the Assistant Administrator for Fisheries requested that each NMFS Regional Administrator and Council provide the following information on efforts in 2012 to meet the requirements of the reauthorized Magnuson-Stevens Act:

(a) Action taken by each Council on implementing the requirements of the Magnuson-Stevens Act, including Committees and Advisory Panels, and Disclosure of Financial Interest and Recusal. Following is a summary of each Council's actions.

The NEFMC continues to receive and make available to the public completed Statements of Financial Interest forms for Council members appointed by the Secretary. The Council has submitted its updated Statement of Organization, Practices and Procedures, which incorporate reauthorized Magnuson-Stevens language that addresses the role and use of the SSC to NMFS for approval. The Council requests annual Statements of Financial Interests forms from the SSC members and forwards all completed forms to the Assistant Administrator for Fisheries to be kept on file by NMFS.

The MAFMC continues to receive and make available to the public completed Statements of Financial Interests for Council members appointed by the Secretary. The Council requested annual Statements of Financial Interests from its SSC members. Completed Statements of Financial Interests for SSC members have been provided to NMFS, on behalf of the Secretary, to be kept on file. The MAFMC posted Statements of Financial Interests for voting council members appointed by the Secretary on its internet site. Although not a requirement, the Council has also posted SSC Statements of Financial Interests on its internet site.

The CFMC has modified its Statement of Organization Practices and Procedures to incorporate reauthorized Magnuson-Stevens Act language, and discussed the new requirements with both SSC and Council members. The Council requested annual Statements of Financial Interests from its SSC members. Completed Statements of Financial Interests for SSC members have been provided to NMFS, on behalf of the Secretary, to be kept on file. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the CFMC's internet site and are available at each Council meeting.

The SAFMC has taken all necessary actions to address Section 302(g) and (j) of the Magnuson-Stevens Act. The Council requested annual Statements of Financial Interests from its SSC members. Completed Statements of Financial Interests for SSC members have been provided to NMFS, on behalf of the Secretary, to be kept on file. Statements of Financial Interests for voting council members appointed by the Secretary have been posted on the SAFMC's internet site, and are available for examination at the Council office and at all Council meetings.

The GMFMC has obtained Statements of Financial Interests forms from its appointed Council members and SSC members. The information is provided to NMFS, kept on file, and financial

disclosures for appointed Council members are made available for public inspection at the Council office, at Council meetings and is posted on the Council's web site.

The PPMC requested annual Statements of Financial Interests from its Council members and SSC members. Statements of Financial Interests for voting council members appointed by the Secretary continue to be available at the Council office and Council meetings and posted on the PPMC's internet site.

The NPPMC continues to receive and make available to the public completed Statements of Financial Interests for Council members appointed by the Secretary. The Council requested annual Statements of Financial Interests from its SSC members, Completed Statements of Financial Interests for SSC members have been provided to NMFS, on behalf of the Secretary, to be kept on file. Although not a requirement, the NPPMC has also posted SSC Statements of Financial Interests on its internet site. Statements of Financial Interests for voting council members appointed by the Secretary are posted on the NPPMC's internet site and are available at each Council meeting.

The WPPMC requested annual Statements of Financial Interests from its SSC members. Completed Statements of Financial Interests for SSC members have been provided to NMFS, on behalf of the Secretary, to be kept on file. The WPPMC posted Statements of Financial Interests for voting council members appointed by the Secretary on its internet site and they are available for public viewing at each Council meeting.

(b) Documentation of any time a voting Council member recuses himself or herself from a vote, the reason given, and any other relevant circumstances, per 50 CFR 600.235(d).

NEPMC: Council member Mary Beth Tooley recused herself at the following Council meetings:

Statement from the January 2012 Council meeting: Ms. Tooley works for two companies that own scallop limited access vessels that do not exceed the 10% conflict of interest limit. However, those companies jointly own a processing company that does process greater than 10% of the scallop fishery harvest.

Statement from June 2012 Council meeting: Ms. Tooley works with two vessels that harvest greater than 10% of the herring catch.

Statement from the September 2012 Council meeting: Ms. Tooley works for two companies that own scallop limited access vessels that do not exceed the 10% conflict of interest limit. However, those companies jointly own a processing company that does process greater than 10% of the scallop fishery harvest.

MAPMC: On April 11, 2012, Laurie Nolan recused herself from a tilefish motion. Ms. Nolan is the onshore manager for two tilefish commercial fishing vessels in New York.

CFMC: At an Administrative Meeting of the Council July 31, 2012, Winston Ledee recused himself from voting on a motion to "approve the project (Tagging Project of Spiny Lobster to

Obtain Better Growth Parameters for Assessment) and increase the funding by \$15,000. Ultimately, he explained for the record at the 143<sup>rd</sup> CFMC Meeting, August 28-29 2012, that “no council member will receive any funding from these proposals.”

PFMC: At the Council’s June 2012 meeting, Council member Dale Myer recused himself from voting on Motions 21 and 22, which concerned alternative qualifying periods to consider for analysis in determining initial catch shares in the whiting trawl fishery and other connected issues because he is employed by a whiting processor affected by the actions.

At the PFMC’s November 2012 meeting, Council member Dale Myer recused himself from voting on Motions 22 and 23, which concerned final approval of qualifying periods to use in determining initial catch shares in the whiting trawl fishery and other connected issues because he is employed by a whiting processor affected by the actions.

The SAFMC, GMFMC, NPFMC, and WPFMC indicate no recusals.

(c) Documentation of any Council member requests for determination for the need for a recusal by that Council member, and the results of that determination, per 50 CFR 600.235(f)(1).

NPFMC: Craig Cross was appointed to the NPFMC August 2012 and his first meeting was the NPFMC's October 2012 meeting. Mr. Cross listed a number of financial interests on his disclosure form. Prior to the October meeting, Mr. Cross called and asked if NOAA GC Alaska Section would review his financial interests and determine whether they would lead to his recusal on a particular agenda item that was ready for final action by the Council. The action before the Council was whether to recommend an FMP amendment that would increase the maximum length overall (MLOA) on License Limitation Program (LLP) licenses that have a Pacific cod hook-and-line catcher processor endorsement for the Bering Sea or Aleutian Islands, thereby allowing the overall length of the vessels used in the BSAI freezer longline cod fleet to increase. A NOAA attorney examined Mr. Cross' financial disclosure form, compared the action being considered by the Council to Mr. Cross' financial interests, considered the criteria for recusal as set forth in 50 CFR 600.235, and determined that Mr. Cross was able to vote on the action and would not have to recuse himself from voting under 50 CFR 600.235.

(d) Documentation of any requests for determination on recusals of a Council member based on information provided to a designated official and the results of that determination, per 50 CFR 600.235(f)(3).

The Councils indicate no occurrences.

(e) Documentation of any requests for review of a determination and the results of that review per 50 CFR 600.235(g).

The Councils indicate no occurrences.

(f) Any circumstances where a Council member’s NOAA Form 88-195, Statement of Financial Interests, was found to be in error, the circumstances relevant to the error, and its resolution.

The Councils indicate no occurrences.

(g) Any instances of Council member resignations or removal due to concerns about disclosure of financial interests or recusal and circumstances relevant to each occurrence.

The Councils indicate no occurrences.

(h) Any similar instances to the above regarding SSC members.

The Councils indicate no occurrences.

Action taken by the Secretary and the Councils

(1) The Secretary continues to make NOAA Form 88-195, Statement of Financial Interests, available to the Councils for use by the SSC members and voting members of the Councils appointed by the Secretary in an electronically fillable format.

(2) The Councils continue to make Statements of Financial Interests for voting council members appointed by the Secretary available for public viewing at Council offices and at Council meetings at reasonable hours, and available on Council internet sites.

(3) The Secretary continues to ensure Statements of Financial Interests are completed by SSC members and provided to NMFS to be kept on file. Although not a requirement under the Magnuson-Stevens Act, some of the Councils post SSC Statements of Financial Interests on their internet sites.

(4) The Secretary continues to ensure that all Statements of Financial Interests completed by voting council members appointed by the Secretary are posted on Council internet sites, and ensure that copies are forwarded to appropriate NMFS offices and the Office of General Counsel, Department of Commerce.

# APPENDIX 1

## STATEMENT OF FINANCIAL INTERESTS

For Use By Voting Members of, and Nominees to, the Regional Fishery Management Councils,  
and Members of the Scientific and Statistical Committee (SSC)

### Authority to Require this Information

Section 302(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the financial disclosure regulations at 50 C.F.R. 600.235 require that “affected individuals” must meet certain financial disclosure requirements. In Section 302(j)(1) of the Magnuson-Stevens Act, the term “affected individual” means an individual who is nominated by the governor of a state for appointment as a voting member of a Council in accordance with Section 302(b)(2); or who is a voting member of a Council appointed in accordance with Section 302(b)(2); or Section 302(b)(5) who is not subject to disclosure and recusal requirements under the laws of an Indian tribal government. The reauthorization of the Magnuson-Stevens Act, at Section 302(g)(1)(D) also requires that each member of an SSC be treated as an “affected individual,” but only for the purposes of paragraphs (2), (3)(B), (4), and (5)(A) of Section (302)(j).

Financial interest in harvesting, processing, lobbying, advocacy or marketing (1) includes:

- (i) Stock, equity, or other ownership interests in, or employment with, any company, business, fishing vessel, or other entity or employment with any entity that has any percentage ownership in or by another entity engaging in any harvesting, processing, lobbying, advocacy, or marketing activity in any fishery under the jurisdiction of the Council concerned;
- (ii) Stock, equity, or other ownership interests in, or employment with, any company or other entity or employment with any entity that has any percentage ownership in or by another entity that provides equipment or other services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, such as a Chandler or a dock operation.
- (iii) Employment with, or service as an officer, director, or trustee of, an association whose members include companies, vessels, or other entities engaged in any harvesting, processing, lobbying, advocacy, or marketing activities, or companies or other entities providing services essential to harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned; and
- (iv) Employment with an entity that has any percentage ownership in or by another entity providing consulting, legal, or representational services to any entity engaging in, or providing equipment or services essential to, harvesting, processing, lobbying, advocacy, or marketing activities in any fishery under the jurisdiction of the Council concerned, or to any association whose members include entities engaged in the activities described in paragraphs (1) (i) and (ii) of this definition.

### Reporting and Filing Requirements

The Magnuson-Stevens Act requires the disclosure of any financial interest in harvesting, processing, lobbying, advocacy, or marketing activity that is being, or will be undertaken within any fishery over which the Council concerned has jurisdiction. An affected individual must disclose such financial interest held by that individual; the affected individual’s spouse, minor child, partner; or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee. The information required to be reported must be disclosed on NOAA Form 88-195, or such other form as the Secretary may prescribe. The Financial Interest Form must be filed by each nominee for Secretarial appointment with the Assistant Administrator by April 15 or, if nominated after March 15, 1 month after nomination by the Governor. A seated voting member appointed by the Secretary must file a Financial Interest Form with the Executive Director of the appropriate Council within 45 days of taking office; must file an update of his or her statement with the Executive Director of the appropriate Council within 30 days of the time any such financial interest is acquired or substantially changed by the affected individual or the affected individual’s spouse, minor child, or partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Executive Director of the appropriate Council by February 1 of each year regardless of whether any information has changed on that form. The Executive Director must in a timely manner, provide copies of and updates to the Financial Interest Forms of appointed Council members to the NMFS Regional Administrator, the Regional Attorney who advises the Council, and the NMFS’ Office of Sustainable Fisheries. These completed financial interest forms shall be kept on file in the Office of the NMFS Regional Administrator and at the Council offices, and shall be made available for public inspection at such offices during normal office hours. In addition, the forms shall be made available at each Council meeting or hearing and shall be posted for download from the Internet on the Council’s website. Councils must retain the Financial Interest Form for a Council member for at least 5 years after the expiration of that individual’s last term.

An individual being considered for appointment to an SSC must file the Financial Interest Form with the Regional Administrator for the geographic area concerned within 45 days prior to appointment. A member of the SSC must file an update of his or her statement with the Regional Administrator for the geographic area concerned within 30 days of the time any such financial interest is acquired or substantially changed by the SSC member or the SSC member’s spouse, minor child, partner, or any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee; and must update his or her form annually and file that update with the Regional Administrator by February 1 of each year. The Regional Administrator shall maintain on file the Financial Interest Forms of all SSC members for at least 5 years after the expiration of that individual’s term on the SSC. Such forms are not subject to section 302(j)(5)(B) and C of the Magnuson-Stevens Act.

**Items to Report on NOAA Form 88-195, "Statement of Financial Interests:**

Specific information must be disclosed for each relevant financial interest or relationship that may call into question whether there may be conflict of interest between (1) your financial interests and relationships and (2) your Council related actions and activities. The information to be listed does not require a showing of the amount of financial interest, but does require complete disclosure of any and all types of financial interest relationships in any fishery under the jurisdiction of the Council concerned.

In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section titled "Information Requested of Other Persons" on NOAA Form 88-195.

If you have no financial interest to disclose, please complete and check the appropriate boxes on the last page of the NOAA Form 88-195 "Statement of Financial Interests" and return.

**Name of Individual:** Include yourself, your spouse, a minor child or partner. *(If not yourself, your relationship to individual.)*

**Entity Name/Full Address:** Include name and full address of a company, business, fishing vessel, other entity or relationship. *(Entities may include: affiliations, associations, cooperatives, corporations, organizations, universities, etc.)*

**Description/Relationship of Financial Interest:** Include a description of the financial interest and the relationship (*marketing, processing, guide, charter, consultant, contractor*); degree of ownership (percentage) or share holdings or any other monetary or in-kind enumeration of a company, business, fishing vessel, other entity or relationship; directorship of, or employee of, a company, business, organization, other entity or relationship; contracted relationship; contributions to advocacy organizations; and the initial date the financial interest or relationship began.

**Fisheries of Interest/Gear Type:** Identify the fishery associated with this particular financial interest or relationship, the gear type utilized, and the product type produced (*fresh, frozen, filleted, canned*).

**Examples:**

(1) *If you own a one-third interest in a fishing vessel, your response should include:*

Name: John Doe	Council: New England Council	Committee:
<b>Name of Individual</b> (If not yourself, your relationship to individual.)		
John and Mary Doe (Joint ownership)		
<b>Entity Name/Full Address</b>	<b>Description/Relationship of Financial Interest</b>	<b>Fisheries of Interest/Gear Type</b>
Entity: Miss Amy Inc. Full Address City, State 00000	Commercial fishing vessel, harvester one-third interest by myself and my spouse Date Began: 3/2000	Atlantic Herring Trawl Product Produced: fresh

(2) *If your spouse is employed by a State government agency involved in the Council process and you have contracted with NMFS for stock assessment research, your response should include:*

Name: John Doe	Council: New England Council	Committee:
<b>Name of Individual</b> (If not yourself, your relationship to individual.)		
Mary Doe (Spouse)		
<b>Entity Name/Full Address</b>	<b>Description/Relationship of Financial Interest</b>	<b>Fisheries of Interest/Gear Type</b>
Entity: EFG Agency Full Address City, State, 00000	Agency involved in Council process Biologist Date Began: 2000	All Species
<b>Name of Individual</b> (If not yourself, your relationship to individual.)		
John Doe		
<b>Entity Name/Full Address</b>	<b>Description/Relationship of Financial Interest</b>	<b>Fisheries of Interest/Gear Type</b>
Other Entity or Relationship: NMFS Full Address City, State 00000	Produce stock assessment Contractor Date Begun: 2004	Orange rockfish

Name:	Council:	Committee:
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**Name of Individual** (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

**Name of Individual** (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

**Name of Individual** (If not yourself, your relationship to individual.)

Entity Name/Full Address	Description/Relationship of Financial Interest	Fisheries of Interest/Gear Type
Entity:	Date Began:	Product Produced:
Other Entity/Relationship:	Date Began:	Product Produced:

**Information Requested of Other Persons.** In the event any of the required information, including holdings placed in trust, is not known to you but is known to another person, you should request that other person to submit the information on your behalf and should report such request in the section below.

Name and Address	Date of Request	Nature of Subject Matter

**CHECK BOX, IF YOU HAVE NO APPLICABLE INFORMATION TO DISCLOSE**

Position/Type of Filing:

- |  |   |
|--|---|
| <input type="checkbox"/> Council Nominee | <input type="checkbox"/> Original filing      |
| <input type="checkbox"/> Council Member  | <input type="checkbox"/> Annual filing        |
| <input type="checkbox"/> SSC Member      | <input type="checkbox"/> Supplementary filing |

**Certification**

I certify that the statements I have made are true complete and correct to the best of my knowledge and belief. I understand that if during the period of my appointment, I undertake new employment, I must promptly file an amended statement, and I must also report any new financial interests acquired during this period. I also certify that I am currently familiar with the statutes, regulations, and policies governing my responsibilities and conduct as applied to the duties I am assigned.

Printed Name: \_\_\_\_\_

Council/Committee: \_\_\_\_\_

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**Requests for Assistance or Additional Information**

Refer to the financial disclosure regulations at 50 C.F.R. 600.235 for additional information. If you have any questions regarding the Statement of Financial Interests or related issues, please contact the Office of the Assistant General Counsel for Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Room 5882, Washington, D.C. 20230, or telephone (202) 482-5384.

**Paperwork Reduction Act**

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The public reporting burden for this collection of information, on this NOAA Form 88-195, is estimated to average 35 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any aspect of this collection of information, including suggestions for reducing this burden to the National Marine Fisheries Service, Office of the Chief Information Officer (F/CIO), 1315 East-West Highway, SSMC #3, 3<sup>rd</sup> Floor, Silver Spring, Maryland 20910.

**Public Access to Information**

The Statement completed by voting members of the Regional Fishery Management Councils will be retained by the Council, made available on the Council Internet Site, and made available for public review at reasonable hours at the Council Office, and at each public hearing or public meeting.

APPENDIX 2 – REGIONAL FISHERY MANAGEMENT COUNCILS

<p><u>New England Fishery Management Council</u>          (Constituent States: CT, MA, ME, NH, RI)  <a href="http://www.nefmc.org">http://www.nefmc.org</a>          Tom Nies, Executive Director          50 Water Street, Mill 2          Newburyport, Massachusetts 01950          Ph: 978-465-0492/Fax: 978-465-3116</p>	<p><u>Mid-Atlantic Fishery Management Council</u>          (Constituent States: DE,MD,NC,NJ,NY,PA,VA)  <a href="http://www.mafmc.org">http://www.mafmc.org</a>          Christopher M. Moore, Executive Director          800 North State Street, Suite 201          Dover, Delaware 19901          Ph: 302-674-2331 or 877-446-2362/Fax: 302-674-5399</p>
<p><u>South Atlantic Fishery Management Council</u>          (Constituent States: FL, GA, NC, SC)  <a href="http://www.safmc.net">http://www.safmc.net</a>          Robert K. Mahood, Executive Director          4055 Faber Place Drive, Suite 201          N. Charleston, South Carolina 29405          Ph: 843-571-4366 or 866-723-6210/Fax: 843-769-4520</p>	<p><u>Caribbean Fishery Management Council</u>          (Constituent States: PR, VI)  <a href="http://www.caribbeanfmc.com">http://www.caribbeanfmc.com</a>          Miguel A. Rolón, Executive Director          270 Muñoz Rivera Ave., Suite 401          San Juan, Puerto Rico 00918          Ph: 787-766-5926 /Fax: 787-766-6239</p>
<p><u>Gulf of Mexico Fishery Management Council</u>          (Constituent States: AL, FL, LA, MS, TX)  <a href="http://www.gulfcouncil.org">http://www.gulfcouncil.org</a>          Doug Gregory, Executive Director          2203 N. Lois Avenue, Suite 1100          Tampa, Florida 33607          Ph: 813-348-1630 or 888-833-1844/Fax: 813-348-1711</p>	<p><u>Pacific Fishery Management Council</u>          (Constituent States: CA, ID, OR, WA)  <a href="http://www.pcouncil.org">http://www.pcouncil.org</a>          Donald O. McIsaac, Executive Director          7700 NE Ambassador Place, Suite 101          Portland, Oregon 97220          Ph: 503-820-2280 or 866-806-7204/Fax: 503-820-2299</p>
<p><u>North Pacific Fishery Management Council</u>          (Constituent States: AK, WA, OR)  <a href="http://www.alaskafisheries.noaa.gov/npfmc">http://www.alaskafisheries.noaa.gov/npfmc</a>          Chris W. Oliver, Executive Director          605 West 4th Avenue, Suite 306          Anchorage, Alaska 99501          Ph: 907-271-2809/Fax: 907-271-2817</p>	<p><u>Western Pacific Fishery Management Council</u>          (Constituent States: AS, GU, HI, CNMI)  <a href="http://www.wpcouncil.org">http://www.wpcouncil.org</a>          Kitty M. Simonds, Executive Director          1164 Bishop Street, Suite 1400          Honolulu, Hawaii 96813          Ph: 808-522-8220/Fax: 808-522-8226</p>